

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS - CRIMINAL TERM - PART 33

-----X  
THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-against-

LORENZO MCGRIFF,

Defendant.

-----X  
Indictment # 6248/15

TRIAL

320 Jay Street  
Brooklyn, New York 11201

December 12, 2016

B E F O R E:

HONORABLE MIRIAM CYRULNIK,  
Justice.

A P P E A R A N C E S:

OFFICE OF ERIC GONZALEZ, ESQ.  
ACTING DISTRICT ATTORNEY - KINGS COUNTY  
350 Jay Street  
Brooklyn, New York 11201  
BY: LAWRENCE MOTTOLA, ESQ.  
STEPHANIE D'AGOSTINO, ESQ.  
Assistant District Attorneys  
For the People

BROOKLYN DEFENDER SERVICES  
177 Livingston Street  
Brooklyn, New York 11201  
BY: JAMIE BURKE, ESQ.  
BEN WITTWER, ESQ.  
For the Defendant

VANESSA DEL VALLE  
Senior Court Reporter

1 THE CLERK: Calling number one from the Part  
2 33 calendar, indictment 6248 of 2015, Lorenzo McGriff.  
3 Defendant is out on bail.

4 MS. BURKE: Jamie Burke, Brooklyn Defender  
5 Services, 177 Livingston Street, Brooklyn, New York  
6 11201 on behalf of Mr. McGriff.

7 Along with.

8 MR. WITTWER: Ben Wittwer.

9 Good morning again.

10 MR. MOTTOLA: For the Office of the District  
11 Attorney, Lawrence Mottola. Good morning.

12 MS. BURKE: Good morning, Your Honor.

13 THE COURT: Good morning.

14 Good morning, Mr. McGriff. Have a seat.

15 All right. Matter was on for trial.

16 MR. MOTTOLA: Yes. The People are ready  
17 today, Your Honor.

18 THE COURT: Okay.

19 MS. BURKE: Defense counsel's ready, Your  
20 Honor.

21 THE COURT: Okay. Before we proceed, we had  
22 discussed this briefly at the bench, I will ask it  
23 again for the record, is there any final offer before  
24 we move proceed?

25 MR. MOTTOLA: A plea to the top count. I

1 believe it was 15 years jail.

2 MS. BURKE: That offer's respectfully  
3 declined.

4 THE COURT: Mr. McGriff, you had an  
5 opportunity to discuss the offer with counsels,  
6 correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. Did you have enough time  
9 to discuss it?

10 THE DEFENDANT: Yes.

11 THE COURT: Anyone threaten you or force you  
12 to decline it and proceed to trial?

13 THE DEFENDANT: No.

14 THE COURT: There you go. Okay.

15 All right. So based on our discussion, we  
16 are number one on the list for a panel for tomorrow  
17 morning. So, today I would like to just take care of  
18 any pretrial applications, Mr. Mottola.

19 MR. MOTTOLA: Yes, Judge.

20 Regarding Sandoval, I would only seek to  
21 introduce the defendant's, he has one felony  
22 conviction. If you look at the rap sheet it looks like  
23 it's old. The plea itself was entered June 28, 1993.  
24 To the reduced charge of manslaughter in the first  
25 degree.

1 So while that was, you know, 20 years ago.

2 THE COURT: More.

3 MR. MOTTOLA: Yeah, more. At this rate, I  
4 would just make note that the defendant was  
5 incarcerated 15 years. He wasn't released on parole  
6 until 2009. So, his parole only expired, looks like  
7 November of 2014, and our incident happened  
8 approximately ten months after that.

9 So, I just, I suspect the defendant will  
10 testify in this case. I just don't want, I would like  
11 to ask whether or not he's been convicted obviously of,  
12 or rather, he pled guilty to manslaughter in the first  
13 degree. Otherwise at least ask, you know, whether or  
14 not he is convicted of a felony.

15 At that point I would also like to make the  
16 defendant and defense aware of the fact that if he  
17 opened the door to anything that he's been out of  
18 trouble for such a long time, or this happened so long  
19 ago, this period of incarceration plus the period of  
20 time he is on parole is all relevant, if something like  
21 that was said.

22 I would like to point out, if possible, the  
23 reason why he was out of trouble, because he was locked  
24 up for 15 years and that he was on parole.

25 Also I will make the Court aware of the facts

1           briefly.

2                   The defendant alleged in that case to have  
3           been almost struck by a car as he was a pedestrian.  
4           The defendant alleged in the homicide statement that  
5           the driver of the car got out of the car, came at him  
6           aggressively. At which point the defendant produced a  
7           firearm, fired one shot and struck the female that was  
8           on scene. Who was pronounced dead on arrival to the  
9           hospital.

10                   The facts in that case, I would argue to the  
11           Court, are analogous in the sense the defendant having  
12           testified in grand jury, he is alleging justification  
13           here as well. Is alleging, like he did in that case,  
14           that the victim was being antagonistic, was using  
15           racial slurs, and that the defendant responded in kind  
16           instead of using a firearm, struck the victim in this  
17           case five times with the knife.

18                   Those are the facts of the case. I would  
19           seek to ask as much of that as the Court will allow.  
20           Or in the alternative, as least ask whether or not he  
21           had been convicted of a felony.

22                   That's it. Thank you.

23                   MR. WITTWER: Thank you, Your Honor.

24                   The -- I am asking that the conviction be  
25           excluded in its entirety. You have already heard about

1 the long lapse in time. What's significant under  
2 Sandoval is the time from which the acts were allegedly  
3 themselves committed, not when Mr. McGriff took the  
4 plea. Not his period of incarceration, but when these  
5 acts actually happened. Because these are the acts  
6 that the People purportedly believe bear on his  
7 credibility for truth telling, which is the only basis  
8 on which this evidence can be brought forward.

9 We have 25 year lapse since the alleged acts  
10 for the underlying conviction for Sandoval. We also  
11 have a manslaughter allegation, so it's not a crime of  
12 dishonesty, not a crime that involves lying or  
13 stealing. It's a crime of impulsive violence, which  
14 under the case law has less bearing on credibility than  
15 crimes that are, you know, of a different nature.

16 And the fact that it's manslaughter, it  
17 doesn't require premeditation. Doesn't require the  
18 formation of a specific intent beyond reckless intent.  
19 So I think that's also suggestive of why it has little  
20 probative value in terms of his likelihood of telling  
21 the truth.

22 I would also note that, you know, this is a  
23 case where our defense is going to be justification,  
24 self-defense. So, Mr. McGriff needs to testify and  
25 exercise his rights to testify in this case.

1                   So, bringing in enormously prejudicial  
2                   evidence that, you know, largely just goes to suggest  
3                   that he is a violent individual who has committed  
4                   violent acts in the past, the definition, real chilling  
5                   effect in this specific trial. In order to put on the  
6                   defense we are putting on, Mr. McGriff has to testify.

7                   So, working backwards, the facts of the  
8                   conviction are just extraordinarily simple. And  
9                   they're similar in a way that it is extremely likely  
10                  that the jury would consider them as propensity  
11                  evidence, and that the propensity aspect of the  
12                  information would overwhelm, you know, any legitimate  
13                  reason for it to come in.

14                  The manslaughter charges are more serious  
15                  charge than he faces in this trial. So to even allow  
16                  the People to elicit the fact that the conviction is  
17                  for manslaughter informs the jury that Mr. McGriff has  
18                  been convicted of a charge more serious than any that  
19                  he faces, and I think that makes it particularly  
20                  prejudicial.

21                  I know in People versus Seymour, 77 AD3rd,  
22                  976, the Court struck a balance where, you know, they  
23                  allowed in the fact of a felony conviction without the  
24                  specific charge or the facts.

25                  So if the Court is going to permit reference

1 to this conviction, I would ask that it go nowhere  
2 beyond just, isn't it true you have a felony  
3 conviction. And then in that case Mr. McGriff would  
4 answer yes. Wouldn't need to worry about opening the  
5 door, any of the things that the People are describing.

6 But I would urge the Court where this charge  
7 is so remote where it's really not a charge that has  
8 significant bearing. I mean, I didn't hear any  
9 analysis from the People about why this has bearing on  
10 his credibility at all. I would ask the Court to  
11 exclude it.

12 (Whereupon, there was a pause in the  
13 proceedings.)

14 THE COURT: All right. I am going to allow  
15 the People to ask if, should Mr. McGriff take the  
16 stand, it appears that he will, I will allow the People  
17 to ask if he's been convicted of a felony.

18 The other facts are, I think, under the  
19 circumstances would be extraordinarily prejudicial.  
20 But that said, of course if there is some statement in  
21 his testimony that opens the door, then I will revisit  
22 it. But you can ask if he was convicted of a felony  
23 and we will leave it at that.

24 MR. MOTTOLA: There is no Molineux  
25 application.



1 THE COURT: Okay. Miss Burke, Mr. Wittwer,  
2 any pretrial applications?

3 MS. BURKE: No, Your Honor.

4 THE COURT: Okay. So we will, just the  
5 Antommarchi issue.

6 (Whereupon, there was a pause in the  
7 proceedings.)

8 THE COURT: This afternoon, by the way, you  
9 can e-mail us a witness list.

10 MR. MOTTOLA: Oh, yes. Absolutely. I will  
11 get your e-mail again.

12 (Whereupon, there was a pause in the  
13 proceedings.)

14 MS. BURKE: Your Honor, we have the  
15 Antommarchi that are executed by myself and by  
16 Mr. McGriff.

17 THE COURT: Okay. All right.

18 Mr. McGriff, I am holding a waiver signed by  
19 you and Miss Burke.

20 THE DEFENDANT: Mmm-hmm.

21 THE COURT: Indicating you are waiving the  
22 right to be present during sidebars with prospective  
23 jurors as we go through jury selection.

24 Now, under the law, as I am sure you have  
25 already discussed with both counsels, you have a right

1 to be present at what the law says every material stage  
2 of the trial. And jury selection is, of course, a  
3 material stage of the trial.

4 The way we do jury selection here is when we  
5 bring in the entire panel, I ask some questions of them  
6 as a group. When -- and we ask upfront if anybody has  
7 any schedule reasons, language issue, various problems  
8 that would prevent them from serving as a juror.

9 When we are finished with that, we put people  
10 in the box. We ask them questions as well. I ask  
11 questions, both counsels ask questions. To see whether  
12 there is any, there are any issues with those people  
13 serving as fair and impartial jurors, as I am sure you  
14 again have discussed with your attorney.

15 It's been my experience there are some things  
16 that potential jurors feel uncomfortable saying aloud  
17 in open court, so we give them the opportunity to come  
18 up to the bench, usually with counsels, and they tell  
19 us what the issue is or the reason they cannot serve or  
20 whatever, then I rule on it.

21 Everything that takes place up here at the  
22 bench is on the record. So every question that we ask  
23 of the potential jurors, any questions that the lawyers  
24 might ask, that's all on the record. So that if there  
25 is ever a reason down the line to review it, everything

1 that takes place in that regard is on the record.

2 So normally you have a right to come up here  
3 with your attorney, and the district attorney, and hear  
4 what the potential jurors may have to say.

5 It is also my experience, frankly, that  
6 people will speak more freely if the lawyers are just  
7 standing up here. And we want to give them the  
8 opportunity to tell us what their issues are so I can  
9 ultimately decide whether they should be excused or  
10 not. So it's my practice then when they, if a  
11 defendant waives his right to be present up here, then  
12 I give counsel an opportunity to talk to the person on  
13 trial and discuss what it is that was said.

14 So, as I said, by signing this waiver you are  
15 giving up your right to be physically present up here  
16 at the bench when the prospective jurors step forward  
17 to tell us essentially why they can't serve and if  
18 there is any reasons why they can't serve.

19 Do you understand this?

20 THE DEFENDANT: Yes.

21 THE COURT: Is that what you are agreeing to  
22 do by signing this?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Have you had sufficient  
25 time to talk to Miss Burke and Mr. Wittwer about the

1 waiver and what that means?

2 THE DEFENDANT: Yes.

3 THE COURT: Anyone threaten or force you to  
4 sign this?

5 THE DEFENDANT: No.

6 THE COURT: Okay. All right. I do find the  
7 waiver was knowingly and voluntarily executed. I am  
8 going to accept that.

9 We will give you a copy, Miss Burke, all  
10 right. So we are going to -- anything else at this  
11 time?

12 MR. MOTTOLA: No.

13 THE COURT: Like I said, you will e-mail us a  
14 copy of the witness list, etcetera.

15 MR. MOTTOLA: Yes.

16 THE COURT: I am going to put this over for  
17 tomorrow morning. That's December 13.

18 MS. BURKE: Thank you.

19 THE COURT: For jury selection.

20 And, Mr. McGriff, I had previously, couple  
21 months ago back I had given you the same official  
22 warning I am required to do. Let me do it again.

23 You've been here before your lawyers each and  
24 every time the case has been on. I am going to do that  
25 anyway. The case is now moved to trial. And you are

1 directed to be here at, we will make it a 10 a.m. call,  
2 please, counsels.

3 MS. BURKE: Yes.

4 MR. WITTWER: Yes.

5 THE COURT: 10 a.m. tomorrow. In this  
6 courtroom. And after, any other time and date as I  
7 direct the case goes forward. If you fail to appear, I  
8 will issue a warrant for your arrest and forfeit your  
9 bail.

10 Additionally, if I determine you have stayed  
11 away to keep the case from going to trial, you should  
12 know the case can go forward without you. You can be  
13 tried, convicted and sentenced to a term of  
14 incarceration without being here. So it's in your  
15 interest to be here each and every time the case is on  
16 so you can work together with both of your lawyers on  
17 every aspect of the case. All right.

18 And finally, just so that you know, I don't  
19 use a questionnaire. I ask various questions of the  
20 attorneys -- excuse me, of the panel. I will go over  
21 them with you in the morning before we get rolling.

22 And once we get to the point where we put  
23 prospective jurors in the box, I do 16 at a time. One  
24 through eight in the front, nine through 16 in the  
25 back.

1 But we will go over this again tomorrow  
2 morning.

3 MR. MOTTOLA: So you don't question them in  
4 the box at all.

5 THE COURT: Of course I do.

6 MR. MOTTOLA: Oh, you just don't use a  
7 questionnaire.

8 THE COURT: I don't hand them a questionnaire  
9 to just go yes or no.

10 MR. MOTTOLA: Got you.

11 THE COURT: I ask my list of questions, then  
12 you have yours.

13 MR. MOTTOLA: Right.

14 THE COURT: We will go over it again in some  
15 detail tomorrow morning.

16 All right. I will see you then. Thank you  
17 very much. Bail is continued.

18 \* \* \* \* \*  
19 (Whereupon, the proceedings were adjourned to  
20 December 13, 2016.)  
21 \* \* \* \* \*

22 It is hereby certified that the foregoing is a true  
23 and accurate transcript of the proceedings.

24 *Vanessa del Valle*

25 **VANESSA DEL VALLE**  
Senior Court Reporter



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS : CRIMINAL TERM : PART 33

-----x  
THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff,

-against-

LORENZO MCGRIFF,

Defendant.

-----x  
Indict. No. 6248/15

JURY SELECTION

320 Jay Street  
Brooklyn, New York

December 13, 2016

B E F O R E :

HONORABLE MIRIAM CYRULNIK,  
Justice, and a jury.

(Appearances same as previously noted.)

VANESSA DEL VALLE  
Official Court Reporter

\* \* \* \*

THE CLERK: Calling number four from the Part  
33 calendar, indictment number 6248 of 2015, Lorenzo  
McGriff. Defendant is out on bail.

MS. BURKE: Jamie Burke, Brooklyn Defender  
Services, 177 Livingston Street, Brooklyn, New York  
11201 on behalf of Mr. McGriff.

Good morning, Your Honor.

MR. WITTWER: Ben Wittwer, also for

VdV

1 Mr. McGriff. Good morning.

2 THE COURT: Good morning.

3 MR. MOTTOLA: For the Office of the District  
4 Attorney, Lawrence Mottola.

5 Good morning.

6 MS. D'AGOSTINO: Office of the District  
7 Attorney, Stephanie D'Agostino.

8 Good morning.

9 THE COURT: Good morning.

10 Mr. McGriff, you are late. I told your  
11 lawyer up at the front I told you 10 o'clock this  
12 morning. All right. If you are late again I am going  
13 to revoke your bail and put you in for the duration of  
14 the trial. That's it. Have a seat.

15 If the individual in the back is a potential  
16 witness, then she needs to step out while we are doing  
17 any pretrial --

18 MS. BURKE: Yes, Your Honor.

19 THE COURT: All right.

20 MS. BURKE: One moment, Your Honor, please.

21 THE COURT: Sure.

22 (Whereupon, there was a pause in the  
23 proceedings.)

24 THE COURT: Okay.

25 MR. MOTTOLA: Yes. Okay, Judge. So there



1 are two things, Your Honor.

2 First, I do have an interstate material  
3 witness order. One of the witnesses on the list,  
4 Kadesha Guy, as the Court's aware, we previously had a  
5 trap and trace on her phone since her location since  
6 grand jury she has been moving. So she is in Newark,  
7 New Jersey.

8 I am going to hand it up to the Court. She  
9 has refused to come in voluntarily at this point. I am  
10 requesting the Court sign the interstate material  
11 witness order.

12 She did testify in the grand jury. As you  
13 know, the defense has her testimony. She was, she had  
14 a front row seat to the incident. She would be a  
15 material witness in this case.

16 (Whereupon, there was a pause in the  
17 proceedings.)

18 THE COURT: You have another name in here.  
19 Presence of Nicole Stanley is required.

20 MR. MOTTOLA: Oh, God. Sorry, Judge. That's  
21 an oversight by the person who drafted that. I will  
22 change that for you immediately. I have it on the 17th  
23 floor to be printed.

24 Our second matter, Your Honor, there is a 911  
25 call. There is one 911 call that the People intend to

1 put in during the direct case. Our position, it's a  
2 present sense impression. I will play it for the Court  
3 now.

4 (Whereupon, an audiotape was played.)

5 (Whereupon, the audiotape was stopped.)

6 (Whereupon, there was a pause in the  
7 proceedings.)

8 MR. WITTWER: Is Your Honor waiting to hear  
9 from us? I would object to the admission of the 911  
10 call. Even if it is an exception to the, even if it is  
11 potentially an exception to the hearsay rule, it would  
12 be violative of Mr. McGriff's constitutional right to  
13 confront witnesses against him at trial.

14 In the first place, we don't even know the  
15 identity of the caller, so we don't know who this  
16 person is. Clearly they're not available to testify at  
17 this trial, which means that there won't be an  
18 opportunity for cross examination.

19 I believe that the statements on the  
20 recording are testimonial in nature because they are  
21 reporting a past crime that occurred. It does not  
22 appear based on anything the caller says or her tone of  
23 voice that she feels threatened by what's happened or  
24 that her life is in danger. That this is, you know, a  
25 state of emergency type --

1 THE COURT: Is that a requirement?

2 MR. WITTWER: I believe -- well it's a  
3 requirement that it be non-testimonial, Your Honor. I  
4 think the only way the People would argue it's  
5 testimony -- non-testimonial would be under the idea it  
6 is a state ongoing emergency. I don't understand that.  
7 I think it's clearly testimonial. She is reporting a  
8 past alleged criminal activity to the authority so that  
9 they can investigate it. Which is the definition of  
10 testimonial statement.

11 And, you know, under Crawford and its  
12 progeny, these statements can't be admitted where the  
13 live witness has not testified, where we don't know the  
14 identity of this live witness. I don't think it should  
15 be admitted. Nothing on the call is particularly  
16 probative or relative to this trial. The Court should  
17 use its discretion to exclude it.

18 THE COURT: Okay.

19 MR. MOTTOLA: I just, I defer to Your Honor's  
20 judgment. You heard the call. It's our position that  
21 the witness very much is reporting an event that she  
22 just witnessed, as she still witnessing, as she  
23 describes the exact location and then the subsequent  
24 location as the parties are leaving, heading towards  
25 Schermerhorn Street. And it is very much a present

1 sense impression.

2 It's also our position that the victim was,  
3 or that the caller was in a heightened sense of  
4 excitement and it would fall and the excited utterance  
5 in the alternative. But I don't see how it's not a  
6 present sense impression, Your Honor.

7 I would ask the Court admit the call separate  
8 and apart from the defense's argument.

9 THE COURT: Okay. I mean it's clear that,  
10 it's clear to me on hearing that it, this is something  
11 that is being described as it's ongoing. So I am going  
12 to permit its introduction.

13 MS. BURKE: Note our objection.

14 THE COURT: Assuming that you lay the  
15 appropriate foundation, etcetera.

16 MR. MOTTOLA: Yes.

17 MR. WITTWER: Note our objection for the  
18 record under Crawford.

19 THE COURT: Yes. All right.

20 MR. MOTTOLA: Is it possible that Stephanie  
21 can run down to 17 and get the new material witness  
22 order?

23 THE COURT: Do what she needs to do.

24 MR. MOTTOLA: Thank you.

25 THE COURT: You were indicating you are

1 moving to dismiss one charge?

2 MR. MOTTOLA: Yes, Your Honor.

3 At this point the People are seeking to  
4 dismiss, I believe it's count one. Just checking.

5 (Whereupon, there was a pause in the  
6 proceedings.)

7 MR. MOTTOLA: Yes. Count one. The assault  
8 in the first degree, as it's, we cannot meet our burden  
9 at trial.

10 THE COURT: What about the attempted assault  
11 one?

12 MR. MOTTOLA: People are going forward on  
13 this count. And I guess the lesser included assault  
14 three. Assault two, rather.

15 THE COURT: Well count one is dismissed.

16 Why don't you come up.

17 MR. MOTTOLA: Yes.

18 (Whereupon, there was a discussion held at  
19 the bench off the record.)

20 MR. MOTTOLA: Judge, just to further clarify  
21 the reasoning why the People had dismissed the assault  
22 one, it's the reason we can't meet our burden, is that  
23 in reviewing the medical records and the injuries  
24 suffered by the victim in this case, they do not meet  
25 the threshold of serious physical injury.

1           It's still the People's position that we can  
2       proceed as to the other counts, since the allegation is  
3       that the defendant struck the victim five times with  
4       the knife, to the head and the torso, so that would  
5       make out the intent to cause serious physical injury.  
6       But the injury suffered, or what's required for the  
7       assault one, the victim did not suffer serious physical  
8       injury as per the law.

9           THE COURT: Okay. Anything else before,  
10       while we wait for the panel to come up?

11          MR. MOTTOLA: Counsel and I did not agree as  
12       to the redactions on medical records. If we had an  
13       opportunity, we could do that at some point today.

14          THE COURT: As long as we get to them before  
15       the jury has to see them.

16          MR. MOTTOLA: Yes.

17          THE COURT: Or may want to see them,  
18       etcetera.

19          Mr. Mottola, what is your direct, 250?

20          MR. MOTTOLA: 2173.

21          THE COURT: Miss Burke.

22          MS. BURKE: I am sorry, Your Honor.

23          THE COURT: Your extension is?

24          MS. BURKE: 116.

25          THE COURT: Mr. Wittwer, your extension.

1 MR. WITTWER: 308, Your Honor.

2 THE COURT: Okay.

3 MR. MOTTOLA: Judge, will you allow us to  
4 comment on justification at all in the voir dire since  
5 I know... the defense indicated that's going to be  
6 their defense, but they're not required to put a  
7 defense on until I present my case. So, I suspect it  
8 will be an issue, but you never know. If we are  
9 allowed, how much would you allow us to talk about it?

10 THE COURT: Well when you say how much would  
11 I allow you to talk about it, I mean...

12 MR. MOTTOLA: Basically the one that I am  
13 getting at, if it's proper for me to ask the jury  
14 something along the lines of that it's not what they  
15 think self-defense or justification is in their heads.  
16 Obviously they have to follow the law as you give it.  
17 You are going to give them the law as justification if  
18 it becomes relevant. It's not what they imagine that  
19 self-defense be, it's what it actually legally would  
20 be. That's what I would want to ask them. No hypos or  
21 anything.

22 THE COURT: Okay.

23 MR. MOTTOLA: Okay.

24 THE COURT: I mean I am assuming you may make  
25 some inquiry in that regard as well when you speak to

1 the jury.

2 MS. BURKE: Yes. But I wanted to do hypos.

3 THE COURT: Well if it's within the bounds of  
4 appropriate questioning and it's within the bounds of  
5 an appropriate hypothetical that isn't based  
6 specifically on the facts of this case, you can ask.

7 I guess, Mr. Mottola, you can go from there  
8 as well.

9 MR. MOTTOLA: Okay.

10 MS. BURKE: Your Honor, just going to the  
11 ladies room.

12 THE COURT: Yes.

13 (Whereupon, there was a break in the  
14 proceedings and then resumed shortly thereafter.)

15 THE COURT: What's your direct extension, by  
16 the, way Miss D'Agostino?

17 MS. D'AGOSTINO: 2413.

18 MS. BURKE: Judge, I actually had a question  
19 about whether my client's wife can go sit in during the  
20 jury voir dire but not during the testimony.

21 THE COURT: I would prefer not, just in terms  
22 of the --

23 MS. BURKE: Okay.

24 THE COURT: Yeah. Since there's going to be  
25 questioning and perhaps hypotheticals that somehow are



1 connected to testimony in some way, I don't...

2 MS. BURKE: Your Honor, there will be two  
3 alternates.

4 THE COURT: That would be my plan, just so we  
5 have some, you know.

6 Mr. Mottola, your -- come on up, please.

7 MR. MOTTOLA: Oh, sure. Sorry, Judge, in  
8 advance.

9 (Whereupon, there was a discussion held at  
10 the bench off the record.)

11 THE COURT: Good to go. We have a panel  
12 outside. Good to go?

13 MR. WITTWER: Yes.

14 MR. MOTTOLA: Perfect.

15 (Whereupon, there was a pause in the  
16 proceedings.)

17 COURT OFFICER: Ready for the panel, Your  
18 Honor?

19 THE COURT: Yes. Thank you.

20 COURT OFFICER: Okay. Panel entering.

21 (Whereupon, the prospective jury entered the  
22 courtroom.)

23 THE CLERK: Folks, I am going to ask you to  
24 please make sure your phones are off, vibrate, silent  
25 mode. It's very distracting. Thank you very much.

1 All the prospective jurors only, please stand  
2 up and raise your right hand. Everyone who just walked  
3 in, prospective jurors, everyone, stand up. Raise your  
4 right hand, everybody. Okay.

5 (Whereupon, the prospective jurors were sworn  
6 by the clerk of the court, after which the proceedings  
7 continued as follows:)

8 PROSPECTIVE JURY: Yes, I do.

9 THE CLERK: Thank you, folks. Be seated.

10 THE COURT: Morning, everyone.

11 PROSPECTIVE JURY: Good morning.

12 THE COURT: Just a reminder again to please  
13 make sure your phones are turned off and put away.

14 My name is Miriam Cyrulnik. This is the  
15 Supreme Court of the State of New York, Kings County.  
16 Welcome to Part 33. We're about to begin the trial of  
17 a criminal case. The name of this case is called  
18 People of the State of New York versus Lorenzo McGriff.  
19 I am going to start by introducing the parties in this  
20 case to you.

21 First of all, representing the People,  
22 Assistant District Attorney Lawrence Mottola.

23 MR. MOTTOLA: Good morning, everyone.

24 PROSPECTIVE JURY: Good morning.

25 THE COURT: And Assistant District Attorney

1 Stephanie D'Agostino.

2 MS. D'AGOSTINO: Good morning.

3 PROSPECTIVE JURY: Good morning.

4 THE COURT: Let me introduce to you next  
5 defense counsels.

6 Miss Jamie Burke.

7 MS. BURKE: Good morning.

8 PROSPECTIVE JURY: Good morning.

9 THE COURT: And Mr. Benjamin Wittwer.

10 MR. WITTWER: Good morning, everyone.

11 PROSPECTIVE JURY: Good morning.

12 THE COURT: And seated between them is  
13 Mr. Lorenzo McGriff.

14 THE DEFENDANT: Good morning.

15 PROSPECTIVE JURY: Good morning.

16 THE COURT: Is there anyone who knows either  
17 of the assistant district attorneys, either defense  
18 counsel, the defendant or me? If so, please raise your  
19 hand.

20 Indicating none. Okay.

21 Now the following individuals may be called  
22 as witnesses in this case or you may hear their names  
23 through testimony. Police Officer Caleb Louard, Police  
24 Officer Anthony Isaac, Police Officer Jeffrey Boardman,  
25 Sergeant William Huang, Duardy Paulino, Kadesha Guy,

1 Janelle Toribio, Ashley Reyes, Nicolette McGriff,  
2 Dominique Boyd, Israel Colon, and Mohammed Kalifa.

3 (Whereupon, there was a pause in the  
4 proceedings.)

5 MS. BURKE: Your Honor, may we approach?

6 THE COURT: Sure.

7 (Whereupon, there was a discussion held at  
8 the bench off the record.)

9 THE COURT: All right. Thank you.

10 Let me just make one adjustment to one of the  
11 names you heard. The correct name is Nicole McGriff.

12 Please raise your right hand if you know any  
13 of those people.

14 Indicating none. Okay.

15 This case concerns an allegation that on or  
16 about August 11, 2015, in the vicinity of 65 Court  
17 Street, here in Kings County, that the defendant, with  
18 the intent to cause serious physical injury to Mohammed  
19 Kalifa, attempted to cause such injury to Mohammed  
20 Kalifa by means of a knife.

21 Is there anyone who knows anything about this  
22 case?

23 Indicating none.

24 Under our law, ladies and gentlemen, the  
25 defendant in this matter, as every defendant in every



1 matter, is presumed innocent. The indictment provides  
2 a defendant with notice of the charges against him but  
3 it is not proof of anything. It is the burden of the  
4 district attorney to prove the defendant's guilt beyond  
5 a reasonable doubt.

6 Is there anyone who cannot accept or follow  
7 the fact that the defendant is presumed innocent and  
8 the district attorney must prove the defendant's guilt  
9 beyond a reasonable doubt?

10 Indicating none. All right.

11 Is there anyone who cannot understand or  
12 communicate in the English language?

13 Some hands, although clearly understood  
14 enough of the question.

15 (Whereupon, there was laughter in the  
16 courtroom.)

17 THE COURT: Let's have them. If there's an  
18 issue, let's have them line up, sergeant, officer.  
19 Thank you.

20 Counsels want to approach?

21 (Whereupon, there was a discussion held at  
22 the bench off the record.)

23 THE COURT: Have them have their jury cards  
24 out, please, one at a time.

25 (Whereupon, there was a discussion held at

1 the bench on the record.)

2 THE COURT: This is Khuram Majeed.

3 Yes, sir. What is your native language?

4 PROSPECTIVE JUROR: Excuse me?

5 THE COURT: What is your native language?

6 PROSPECTIVE JUROR: Urdu.

7 THE COURT: Mmm-hmm.

8 How long are you in the United States?

9 PROSPECTIVE JUROR: 15.

10 THE COURT: 15 years. Very nice.

11 Are you working?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR: Stockroom.

15 THE COURT: Did you go to school here?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Did you study English here?

18 PROSPECTIVE JUROR: No.

19 THE COURT: How did you learn to speak? You  
20 are understanding me, I am understanding you.

21 PROSPECTIVE JUROR: I still don't understand.  
22 Basic only.

23 THE COURT: You can?

24 PROSPECTIVE JUROR: I know basic.

25 THE COURT: You know basic.

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PROSPECTIVE JUROR: Yeah.

THE COURT: Questions?

MS. BURKE: No.

MR. MOTTOLA: No.

THE COURT: Okay. Consent.

MR. MOTTOLA: Yes.

MS. BURKE: Yes.

THE COURT: Thank you.

You can mark him excused for language.

Thank you. We will send you downstairs, sir.

Thank you.

This is Farah Adam.

Yes, sir.

PROSPECTIVE JUROR: Yes.

THE COURT: Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: Where are you from, Mr. Adam?

PROSPECTIVE JUROR: From sudan.

THE COURT: How long are you in the United  
States?

PROSPECTIVE JUROR: Like 11 years.

THE COURT: 11 years.

Are you working?

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do?

1 PROSPECTIVE JUROR: Taxi driver.

2 THE COURT: Taxi driver.

3 And did you, how did you study for the test  
4 to become a taxi driver?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What is your native language?

7 PROSPECTIVE JUROR: Arabic.

8 THE COURT: Arabic.

9 Is the test given in Arabic?

10 PROSPECTIVE JUROR: No. English.

11 THE COURT: In English.

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: So you were able -- did you go to  
14 school here?

15 PROSPECTIVE JUROR: Yes. A little bit.

16 THE COURT: What does a little bit mean?

17 PROSPECTIVE JUROR: Couple of months.

18 THE COURT: Couple of months. Uh-huh.

19 And are you, but you drive a cab for the City  
20 of New York?

21 PROSPECTIVE JUROR: Yeah.

22 THE COURT: So you need to be able to read  
23 street signs. Need to be able to communicate with  
24 passengers, correct?

25 PROSPECTIVE JUROR: Yeah.



1 THE COURT: So what is the issue with  
2 language?

3 PROSPECTIVE JUROR: Huh?

4 THE COURT: What is your problem with  
5 language?

6 PROSPECTIVE JUROR: I know a little bit how  
7 to talk to the passenger and, but not too much.

8 THE COURT: Mmm-hmm.

9 Where did you go? Did you go to school?

10 PROSPECTIVE JUROR: Huh?

11 THE COURT: Where did you go to school?

12 PROSPECTIVE JUROR: Last year.

13 THE COURT: Last year where?

14 PROSPECTIVE JUROR: Fulton. Brooklyn.

15 THE COURT: Fulton Street. Okay.

16 MR. MOTTOLA: No questions.

17 MS. BURKE: No questions.

18 THE COURT: Okay. Thank you.

19 Excuse him for language.

20 Thank you, sir.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: This is Lay Ping Leow.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Yes, Miss Leow. Where are  
25 you from?

1 PROSPECTIVE JUROR: Malaysia.

2 THE COURT: How long are you in the United  
3 States?

4 PROSPECTIVE JUROR: More than 30 years.

5 THE COURT: 30 years. Wow.

6 PROSPECTIVE JUROR: Long time.

7 THE COURT: Long time.

8 Did you go to school here?

9 PROSPECTIVE JUROR: No.

10 THE COURT: How old are you?

11 PROSPECTIVE JUROR: I am 54.

12 THE COURT: Mmm-hmm.

13 So you came here in your 20's?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Yes.

16 Are you working?

17 PROSPECTIVE JUROR: No. Not now.

18 THE COURT: Not now.

19 What are you --

20 PROSPECTIVE JUROR: I work for dental office  
21 before I take the job, three years.

22 THE COURT: You obviously, you've been living  
23 in this country for over 30 years.

24 PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: Where did you train to be a

1 dental assistant?

2 PROSPECTIVE JUROR: I just work for front  
3 desk in Chinatown.

4 THE COURT: Uh-huh. Right.

5 And so what are you doing now?

6 PROSPECTIVE JUROR: Housewife. Just doing  
7 housework.

8 THE COURT: You have children?

9 PROSPECTIVE JUROR: I have two children. I  
10 live with my son.

11 THE COURT: Very nice.

12 Where does he go to school? Does he work?

13 PROSPECTIVE JUROR: Working.

14 THE COURT: Doing what?

15 PROSPECTIVE JUROR: Pharmacist.

16 THE COURT: He is a pharmacist. Okay. Very  
17 nice.

18 Where -- how did you learn to speak English?

19 PROSPECTIVE JUROR: I just, like, learn from  
20 T.V.

21 THE COURT: Uh-huh.

22 So you watch English T.V.?

23 PROSPECTIVE JUROR: Uh-huh. I can't talk  
24 simple English. I understand little, not that well.

25 THE COURT: I see. Thank you. Have a seat.

1 PROSPECTIVE JUROR: Here.

2 THE COURT: Have a seat.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: For someone who has been here for  
5 30 years and they, but if it's okay with you two, we  
6 will just put her card aside and not call her.

7 MR. MOTTOLA: Yes.

8 THE COURT: Tell you 30 years and everybody  
9 else has heard that, if that's okay with you.

10 MR. MOTTOLA: Okay.

11 (Whereupon, the following took place on the  
12 record in open court.)

13 THE COURT: Okay. Thank you.

14 Counsel, if you need a minute to speak with  
15 your client.

16 MS. BURKE: Yes.

17 (Whereupon, there was a pause in the  
18 proceedings.)

19 MS. BURKE: Thank you.

20 THE COURT: Okay.

21 MS. BURKE: Yes. Thank you.

22 THE COURT: You're welcome.

23 Thank you for your patience, ladies and  
24 gentlemen.

25 Is there anyone who has a medical problem

1 that would prevent them from serving as a juror?

2 Indicating none. Nice healthy group. Nice  
3 to hear.

4 (Whereupon, there was laughter in the  
5 courtroom.)

6 THE COURT: Okay. Now as I said before, this  
7 is a criminal trial. And we need people who can make a  
8 decision, either not guilty or guilty. This includes  
9 being able to deliberate with your fellow jurors.

10 Is there anyone who as a result of religious  
11 or personal beliefs cannot render such a decision?

12 All right. Counsels, come on up.

13 (Whereupon, there was a discussion held at  
14 the bench on the record.)

15 THE COURT: Good morning. This is Kenneth  
16 Brown.

17 Yes, Mr. Brown.

18 PROSPECTIVE JUROR: Because of my Christian  
19 belief, I do not think I could pass judgment on anyone.

20 THE COURT: Well we have potential jurors  
21 from all faiths who sit and able to. What is the --

22 PROSPECTIVE JUROR: I just have a belief that  
23 I can't make an --

24 THE COURT: You feel you can't make a  
25 decision?



1 PROSPECTIVE JUROR: I just can't. No.

2 THE COURT: Because?

3 PROSPECTIVE JUROR: Because of my beliefs.

4 THE COURT: You think.

5 PROSPECTIVE JUROR: I cannot pass judgment on  
6 anyone.

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR: That's the bottom line.

9 THE COURT: Mmm-hmm. Okay.

10 Well now understand this is not a substitute  
11 for sitting on a jury. They send you downstairs to sit  
12 on a civil case where you would still have to serve.

13 Do you understand that?

14 PROSPECTIVE JUROR: Mmm-hmm.

15 THE COURT: Okay. All right. Consent?

16 MR. MOTTOLA: Yes.

17 THE COURT: All right. Thank you. Send you  
18 back downstairs.

19 Mark it civil.

20 PROSPECTIVE JUROR: Hi.

21 THE COURT: Just a minute. This is Jacob  
22 Plasse.

23 Yes, sir.

24 PROSPECTIVE JUROR: Yeah. I don't feel  
25 comfortable being part of a case send another black man

1 to jail.

2 THE COURT: Mr. Plasse, first of all, no one  
3 is, no one is saying anything at all about a decision,  
4 about --

5 PROSPECTIVE JUROR: That's what deliberating.

6 THE COURT: No, I understand. So tell me  
7 what do you do for a living.

8 PROSPECTIVE JUROR: Composer.

9 THE COURT: You make decisions in your  
10 everyday life, correct?

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Okay. And sometimes you have  
13 occasion, I am sure, to decide if someone is being  
14 truthful with you or not truthful with you, etcetera.

15 Is that correct?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: But my decisions don't  
19 result in confiscations of someone's freedom.

20 THE COURT: Well listen. There is no  
21 question that this is not an easy task. No one here is  
22 going to tell you it's an easy task. However, there  
23 are obligations that we all have as citizens of this  
24 country. There aren't many of them. There aren't many  
25 of them. And this is one of them.

1 PROSPECTIVE JUROR: You asked if somebody  
2 feels comfortable deliberating with other jurors with  
3 about --

4 THE COURT: I didn't say comfortable  
5 deliberating, I said able to.

6 PROSPECTIVE JUROR: Able to, yeah. I won't.

7 THE COURT: Really? You already know you  
8 won't be able to have an honest discussion about the  
9 evidence or anything else?

10 PROSPECTIVE JUROR: I won't be a part of  
11 sending --

12 THE COURT: You are refusing?

13 PROSPECTIVE JUROR: No. You can send me  
14 there to do it, but I am already -- if you are asking  
15 if I am going to be willing to deliberate with others  
16 about that decision, that's going to be hard for me to  
17 do.

18 THE COURT: No one, as I am going repeat to  
19 you again, Mr. Plasse, no one said this is easy. No  
20 one said this is easy. But you don't get a pass just  
21 for that. As I said, there are certain obligations  
22 that we will have. Frankly, if you or a family member  
23 were sitting in that chair, you would expect to have a  
24 jury of people who were going to listen and listen with  
25 an open mind and consider it fairly.



1 PROSPECTIVE JUROR: This is something with  
2 judging him was fair, then I would be okay with that.

3 THE COURT: Okay. Have a seat.

4 This is Fernande Giordani.

5 Good morning.

6 PROSPECTIVE JUROR: Good morning.

7 THE COURT: Yes, ma'am. What is your issue,  
8 ma'am?

9 You need to speak up a little bit so the  
10 court reporter can hear you.

11 PROSPECTIVE JUROR: So you can, if you can...  
12 if you have easier just defend, you can participate in  
13 that, you have to step up.

14 THE COURT: What is the issue?

15 PROSPECTIVE JUROR: I am Jehovah's witness.

16 THE COURT: Okay. So we will mark your card  
17 for a civil case. We will send you back downstairs to  
18 hear a case, a civil case, where they're arguing over  
19 money or arguing things of that nature. That, you can  
20 sit on. Okay. Have a good day.

21 PROSPECTIVE JUROR: Thank you.

22 THE COURT: Good morning.

23 This is Elma Reeves.

24 How are you?

25 PROSPECTIVE JUROR: I am doing fine. You?

1 THE COURT: Good. Thank you.

2 What's the issue, Miss Reeves?

3 PROSPECTIVE JUROR: My issue, I work for the  
4 Department of Corrections and usually put me on civil  
5 cases because I have interaction with inmates. And we  
6 had an issue where someone was having a criminal case,  
7 defendant happened to be seen, there was a slashing.  
8 From then they usually put me on civil cases. I didn't  
9 know I was coming up here.

10 THE COURT: What do you do for DOC?

11 PROSPECTIVE JUROR: I am a review specialist.  
12 I handle grievances, so on. I try to prevent  
13 litigations.

14 THE COURT: Okay. Go ahead. You got a  
15 little ahead of us. That's okay. We will send you  
16 down.

17 Mark it for civil.

18 Send you back downstairs.

19 PROSPECTIVE JUROR: All right. Thank you.

20 THE COURT: Thank you. Back down to the  
21 central jury.

22 (Whereupon, there was a discussion held at  
23 the bench off the record.)

24 THE COURT: All right, ladies and gentlemen,  
25 thank you again for your patience.

1 Let me talk to you a bit about scheduling.

2 We anticipate that this trial will be  
3 finished by December 23. Now we like to give everybody  
4 the outside date. It's my hope that we will proceed as  
5 expeditiously, as quickly as possible and be done  
6 earlier than that. But I want to give you that outside  
7 date sort of just in case.

8 Absent exceptional circumstances, the jury in  
9 this case will not sit past 5 o'clock. Otherwise --  
10 unless you are otherwise instructed by me, you'd be  
11 expected to be in the jury room by 9:45 promptly each  
12 morning.

13 You will not be sequestered for this case.

14 Meaning as they used to do in years past  
15 where they would keep the deliberating jury together  
16 and send them to a hotel overnight. We don't do that  
17 anymore.

18 So I am going to ask in just a moment if  
19 there is anyone who has a scheduling problem prevents  
20 them from serving as a juror. And but before you raise  
21 your hands on this issue, I must advise you that in our  
22 system, everyone must serve as a juror when they're  
23 called to do so. Although we realize this may not be  
24 convenient for a variety of reasons, no one is exempt.  
25 Lawyers do jury duty, Judges do jury duty. I did my

1 jury duty last May.

2 To this point, all of our jobs are important.  
3 It's never easy for an employee or employer to  
4 accommodate jury service. However, inability to miss  
5 work for whatever reason is not sufficient to be  
6 excused from jury duty. You should be aware that by  
7 law an employer cannot discriminate against an employee  
8 due to their jury service.

9 And finally, anyone who intends to inform the  
10 Court about travel plans that would prevent them from  
11 serving on this case, you should have their proof ready  
12 when they approach the bench. If your proof is on your  
13 cell phone, you can go ahead and open it to whatever  
14 document you need to show the Court before you  
15 approach.

16 So, if anyone has any scheduling issues, just  
17 follow the officer's instructions.

18 Counsel, come on up.

19 (Whereupon, there was a discussion held at  
20 the bench on the record.)

21 THE COURT: Before we have them.

22 All right. By the way, there was a question  
23 from one of the potential jurors and just in terms of  
24 scheduling.

25 We will not sit on Friday afternoon for those



1 of you for whom there is a religious observance or some  
2 other issue, we will not work on Friday afternoon.

3 (Whereupon, there was a discussion held at  
4 the bench on the record.)

5 THE COURT: Okay. This is Philippe  
6 Majdalani.

7 Yes, sir.

8 PROSPECTIVE JUROR: So I am actually leaving  
9 town on Friday driving to Pennsylvania for, I start my  
10 Christmas vacation on Friday. My last day off is this  
11 Thursday. So Christmas vacation starts on Friday.

12 THE COURT: What do you do for a living?

13 PROSPECTIVE JUROR: I work in the  
14 entertainment industry, postproduction for feature  
15 films. Out of the office from the 16th until the 3rd  
16 of January. I am back in the office on --

17 THE COURT: When did you get the jury duty  
18 notice?

19 PROSPECTIVE JUROR: Two, three weeks ago. A  
20 week ago.

21 THE COURT: You knew it was just like a  
22 couple of days before your vacation.

23 PROSPECTIVE JUROR: I thought it would be a  
24 couple of days on the case. I didn't know it was going  
25 to be like a trial going for two weeks.

LORENZO MCGRIFF - JURY SELECTION

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1 THE COURT: Sometimes trials do. Sometimes  
2 trials do.

3 Any way for you to postpone leaving town?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Have you postponed jury service  
6 previously?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Send you downstairs. You can  
9 postpone your jury service for a time when you will be  
10 free to serve.

11 PROSPECTIVE JUROR: How long will I have to  
12 be available for?

13 THE COURT: If you are not selected for a day  
14 or if you are picked, it could take two weeks. Some  
15 trials take longer. I don't know. If you stay and you  
16 are not selected, you are done. If you stay and you  
17 are selected, you are here. So that's your choices.

18 THE CLERK: If you go down to try to postpone  
19 your jury service, usually call you back within six  
20 months.

21 PROSPECTIVE JUROR: So what do you suggest I  
22 do?

23 THE COURT: I can't suggest anything to you,  
24 Mr. Majdalani. I am just telling you that we will give  
25 you the opportunity to postpone it if you rather, but

VdV

1 it may be an equally inconvenient time. If you have  
2 fixed plans, you cannot stay, by all means, you know,  
3 consider postponing it.

4 PROSPECTIVE JUROR: Then what if I stay and I  
5 don't get --

6 THE COURT: If you stay and you don't get  
7 paneled, then you are done. Could be today or at most  
8 tomorrow and you will be done. So, but again, if you  
9 get picked you are here.

10 PROSPECTIVE JUROR: I see. I don't know what  
11 to do.

12 THE COURT: Well totally up to you.

13 PROSPECTIVE JUROR: So I have to decide right  
14 now?

15 THE COURT: Yes. Do you want me to talk to  
16 these four people while you tell me what you want to  
17 do, fine.

18 PROSPECTIVE JUROR: I will go back in the  
19 line and think about it then.

20 THE COURT: Okay. This is Xiang Dong Ye.  
21 Yes.

22 PROSPECTIVE JUROR: I say --

23 THE DEFENDANT: Speak louder.

24 PROSPECTIVE JUROR: I say I cannot come every  
25 day.

1 THE COURT: If are selected as a juror you  
2 must be here every day.

3 PROSPECTIVE JUROR: It's not selected. Maybe  
4 my English not.

5 THE COURT: I asked that before. You didn't  
6 say a word. All of a sudden you think the trial must  
7 be a week or more.

8 What is the issue? Why can't you come every  
9 day?

10 PROSPECTIVE JUROR: Every day it's the  
11 holiday half day.

12 THE COURT: The only half day is Friday.  
13 Otherwise it's every day.

14 PROSPECTIVE JUROR: Oh. Um, my, I am a  
15 bookkeeper and I, every day I have a lot of work.

16 THE COURT: I understand you have a lot of  
17 work. So does everybody. Jury service is an  
18 obligation. That's very important. And if you are  
19 selected, you must be here. You must be here.

20 PROSPECTIVE JUROR: It's scheduled to every  
21 day?

22 THE COURT: 9:45 to 5 o'clock. If we finish  
23 a little bit earlier on a given day, you might be able  
24 to leave a little early. If you are here, it's a full  
25 day. The more we work each day, the shorter the trial



1 is.

2 PROSPECTIVE JUROR: Because my company only  
3 one --

4 THE COURT: This is no either. When you come  
5 for, selected for a jury, you must be here. That's all  
6 there is to it. All right. Have a seat, please.

7 Come on up.

8 PROSPECTIVE JUROR: Good morning.

9 THE COURT: Good morning.

10 This is Tara Cascone.

11 Yes.

12 PROSPECTIVE JUROR: Good morning. So I --

13 THE COURT: You have to speak up.

14 PROSPECTIVE JUROR: I currently work as a New  
15 York City Department of Education substitute panel. I  
16 am on assignment with one child. I do go in every day  
17 Monday through Friday. But if I don't go in and I  
18 don't get compensated because I am a substitute because  
19 it's a lengthy case, I won't be getting compensated --

20 THE COURT: This is not, frankly not that  
21 lengthy. So I mean this is not that lengthy a case, in  
22 the scheme of things. So, it's an obligation we all  
23 have. If you are not selected you, then you are done,  
24 but if you are selected you must be here. Okay. Thank  
25 you.

1 This is Francesco Stanisci.

2 Yes, sir.

3 PROSPECTIVE JUROR: Hi. I do apologize. You  
4 know, I am babysitting five days a week for my two  
5 grandchildren. That's the reason. I know. I  
6 understand.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: My daughter, she is a  
9 teacher and her husband works from 4 o'clock in the  
10 morning until late in the afternoon, so there is nobody  
11 else that they can take care of the kids. And then  
12 during some place else, you know, costs a lot of money.  
13 I just retired three years ago. That's all I am doing.

14 THE COURT: Well, Mr. Stanisci, as I said,  
15 everybody has to serve.

16 PROSPECTIVE JUROR: I do understand.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: So there is nothing --

19 THE COURT: Well I mean if I tell you you can  
20 postpone your jury service for a length of time, it  
21 will be the same issues.

22 PROSPECTIVE JUROR: Not make a difference.

23 THE COURT: Yes. If you are here and you are  
24 selected, then you must be here. I cannot just  
25 automatically excuse you.

1 PROSPECTIVE JUROR: Okay. I understand.

2 Thank you.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR: I am going to opt for the  
5 postponement.

6 THE COURT: All right.

7 PROSPECTIVE JUROR: Question for you. I do  
8 have a trip planned in February out of town for a week.  
9 If I do get called during that week --

10 THE CLERK: You have to talk with them.

11 THE COURT: You have to talk with them  
12 downstairs. Ultimately there comes a point they won't  
13 allow you to continue to postpone it. It's once or  
14 twice usually. I think it might be twice. But if they  
15 call you and you are there, there will come a point,  
16 Mr. Majdalani, no matter how inconvenient it is you  
17 have to serve. So, you know, keep that in mind. They  
18 may try to accommodate you if you tell them  
19 downstairs --

20 PROSPECTIVE JUROR: Because --

21 THE COURT: Like I said, you know, allow you  
22 to postpone it.

23 Mark it downstairs for him to postpone it.

24 PROSPECTIVE JUROR: Back to where I was?

25 THE COURT: Yes. Back downstairs. Yes.

1 This is Jian Yao Chen.

2 Yes.

3 What is the scheduling issue, sir?

4 (Whereupon, there was a pause in the  
5 proceedings.)

6 THE COURT: Sir?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: What is the problem?

9 PROSPECTIVE JUROR: No English.

10 THE COURT: When I asked before, sir, look at  
11 me, please. When I asked before, you did not come up  
12 and ask the other people about English. You didn't say  
13 anything.

14 PROSPECTIVE JUROR: I didn't understand.

15 THE COURT: How long are you in the United  
16 States?

17 PROSPECTIVE JUROR: Huh?

18 THE COURT: How long are you here in America?

19 PROSPECTIVE JUROR: Uh, how long, 25.

20 THE COURT: 25 years. Oh, that's nice.

21 That's fine.

22 PROSPECTIVE JUROR: Thank you.

23 THE COURT: And did you go to school here?

24 PROSPECTIVE JUROR: Yeah.

25 THE COURT: Where did you go to school?

1 PROSPECTIVE JUROR: Yeah, school.

2 THE COURT: Have a seat.

3 Just leave the card to the side.

4 Have a seat.

5 This is Yung Hsien Ng Tam.

6 Yes, ma'am.

7 PROSPECTIVE JUROR: I have three issues.

8 First one, I am not traveling. My supervisor  
9 is traveling. He is leaving on December 19. I usually  
10 take over her duties.

11 THE COURT: So? That's not an issue. Go  
12 ahead.

13 PROSPECTIVE JUROR: Okay. Second thing is  
14 that I am paid per diem basis. Really long trial.  
15 That's difficult.

16 THE COURT: Appreciate it's really not that  
17 long a trial.

18 PROSPECTIVE JUROR: Third one is that I am in  
19 lieu of changing jobs, I give them two week notice  
20 while I am in work.

21 THE COURT: Your employer cannot discriminate  
22 against you if you change jobs. It requires a letter  
23 from the Court saying that you are seated during, I am  
24 happy to provide it.

25 PROSPECTIVE JUROR: Okay.

1 THE COURT: Perfect. Thank you.

2 PROSPECTIVE JUROR: Good morning, everyone.

3 THE COURT: Good morning.

4 This is Alexander Marte.

5 Yes, sir.

6 PROSPECTIVE JUROR: Yes. I already know this  
7 is one of my obligations. I want to ensure whether  
8 this is a possible reason for me possibly postpone my  
9 date. I have finals with my grad school, five classes,  
10 and it's last day of classes December 20. Wondering  
11 whether that will be --

12 THE COURT: Have you postponed your service  
13 previously?

14 PROSPECTIVE JUROR: No.

15 THE COURT: How come you didn't think to  
16 postpone it when you saw the date to be here?

17 PROSPECTIVE JUROR: Overwhelmed with  
18 fellowship and grad school.

19 THE COURT: What are you studying?

20 PROSPECTIVE JUROR: Urban planning over at  
21 NYU.

22 THE COURT: Well here's the deal. If you  
23 want an opportunity to postpone it, let you do that.  
24 But apparently no matter when I do, whenever date you  
25 set, you are still going to be in school. Still be an

1 issue.

2 PROSPECTIVE JUROR: Rather have it be in the  
3 beginning part of the school year.

4 THE COURT: Can't guarantee it. I can't  
5 guarantee when or between three and six months down the  
6 road. Could be when you have finals or interviews. I  
7 have no idea. Give you an opportunity to postpone it.  
8 But like I say, there's always a risk for the last time  
9 after which they don't let you postpone it, just as  
10 inconvenient or more so. It's up to you.

11 PROSPECTIVE JUROR: Sure. I will do it right  
12 now.

13 THE COURT: He will postpone it.

14 THE CLERK: Okay. Central jury room on the  
15 second floor.

16 THE COURT: Thank you.

17 This is Melina Grant.

18 Yes, ma'am.

19 PROSPECTIVE JUROR: My only scheduling  
20 problem would be pickup for my children for next week.  
21 They go to school until the 23rd of December and I  
22 usually pick them up in the afternoon. My husband is  
23 able to visit his sick mom in Trinidad.

24 THE COURT: Maybe you can have a neighbor?

25 PROSPECTIVE JUROR: I don't have anybody.



1 THE COURT: No children? Don't have friends  
2 they could stay with couple of hours after school?

3 PROSPECTIVE JUROR: Not that I know right  
4 now.

5 THE COURT: Don't know want to tell you.

6 PROSPECTIVE JUROR: So I will have to try to  
7 make type of arrangements.

8 THE COURT: If you are selected as a juror  
9 you have to be here. If you stay, you are not  
10 selected, then you are finished either today or  
11 tomorrow.

12 PROSPECTIVE JUROR: Okay.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: Good morning.

15 THE COURT: Good morning.

16 Matthew Moran.

17 Yes, sir.

18 PROSPECTIVE JUROR: My situation is child  
19 care situation. I am self-employed. Next week my  
20 daughter is not in school. Supposed to be taking care  
21 of her all day for the, you know, Monday to Friday.

22 THE COURT: How old is she?

23 PROSPECTIVE JUROR: Six.

24 THE COURT: Where is school -- she goes to  
25 public school?

1 PROSPECTIVE JUROR: She does not.

2 THE COURT: Well I mean, who else normally  
3 takes care of her?

4 PROSPECTIVE JUROR: Person normally takes  
5 care of her in a pinch, freelance position. I travel.  
6 Take a full-time job. We don't have anyone to take  
7 care of her during the day.

8 THE COURT: What school does she go to that  
9 ends so early?

10 PROSPECTIVE JUROR: Packer.

11 Before you make assumptions about --

12 THE COURT: Mr. Moran, I don't make  
13 assumptions about anything. And I respectfully got to  
14 tell you that is not, that's kind of judgmental on your  
15 part.

16 Question is, is there any family member who  
17 can help you out or friend?

18 PROSPECTIVE JUROR: I don't have someone like  
19 this. Normally my mother-in-law comes from Philly.  
20 She is old. Can't drive right now. I was going to go  
21 with my daughter to take care of her.

22 THE COURT: Who? Is there a spouse, partner  
23 in your life?

24 PROSPECTIVE JUROR: Yeah. I have a spouse.

25 THE COURT: And your spouse is not able?

1 PROSPECTIVE JUROR: School teacher, public  
2 school, so she is on that week.

3 THE COURT: Well so you have a choice of if  
4 you want an opportunity to postpone your jury service  
5 for a different time or you want --

6 PROSPECTIVE JUROR: That would be much  
7 pleasurable.

8 THE COURT: Have you postponed it previously?

9 PROSPECTIVE JUROR: Maybe 20 years ago, not  
10 in --

11 THE COURT: Keep in mind whenever they pick  
12 you there will be, come a point whether it's easy or  
13 not, you will have to be able to serve.

14 PROSPECTIVE JUROR: I understand. It's an  
15 exceptional week. That's all.

16 THE COURT: Okay. Thank you. You can go  
17 downstairs.

18 PROSPECTIVE JUROR: Thank you.

19 (Whereupon, the following took place on the  
20 record in open court.)

21 THE COURT: All right. Thank you all for  
22 your patience.

23 The folks in the jury box, just going to ask  
24 you to grab your things and step out. Just wait to the  
25 side. You didn't guarantee that you were being picked

1 just 'cause you were sitting there.

2 PROSPECTIVE JUROR: Seats are more  
3 comfortable.

4 THE COURT: You might be back there in just a  
5 moment. So we don't know yet.

6 So while they're doing that, we're now going  
7 to select at random some prospective jurors to sit in  
8 the jury box so that the Court and the attorneys can  
9 ask some questions to help you determine -- no, ma'am,  
10 not that way -- to help us determine who can be a fair  
11 juror.

12 It's not anyone's intention to embarrass you  
13 or to pry in your private lives, but we are seeking  
14 fair and impartial jurors. So please be honest in your  
15 answers. All right.

16 And for those of you who are not called, I  
17 will ask you to pay attention so if you are called you  
18 will understand the kinds of questions that we are  
19 asking. All right.

20 Just a moment you are going to hear the clerk  
21 call out your name, some names. And please, if you  
22 hear your name while you are standing up, just say  
23 here, got it. Something so we know you heard us.

24 All right. Grab your things, your coats,  
25 etcetera, and follow the sergeant's instructions.

1 Thank you.

2 THE CLERK: Okay. In seat number one we have  
3 Natalie Nikolayeva.

4 Did I say the last name right?

5 PROSPECTIVE JUROR: Yes. Nikolayeva.

6 THE CLERK: Okay. Please step up.

7 Natalie, N-A-T-A-L-I-E, Nikolayeva,  
8 N-I-K-O-L-A-Y-E-V-A.

9 Seat number two Lena Tom.

10 First name L-E-N-A, last name T-O-M.

11 PROSPECTIVE JUROR: Here.

12 THE CLERK: Seat number three, Stephen Kelly.

13 PROSPECTIVE JUROR: Here.

14 THE CLERK: First name S-T-E-P-H-E-N, Kelly  
15 K-E-L-L-Y.

16 And seat number four, Morley Bland. Please  
17 step up.

18 First name M-O-R-L-E-Y, last name B-L-A-N-D.

19 Seat number five, Sean McGuinness.

20 PROSPECTIVE JUROR: Here.

21 THE CLERK: First name S-E-A-N, McGuinness  
22 M-C-G-I-N-N-I-S.

23 Seat number six, Luis Diaz.

24 First name L-U-I-S, D-I-A-Z.

25 Seat number seven, Leena Patel.



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1 First name L-E-E-N-A, P-A-T-E-L.

2 Seat number eight, Jonathan Wilson.

3 PROSPECTIVE JUROR: Right here.

4 THE CLERK: Thank you.

5 First name J-O-N-A-T-H-A-N, W-I-L-S-O-N.

6 Seats number nine, Bernard Baptiste.

7 First name B-E-R-N-A-R-D, B-A-P-T-I-S-T-E.

8 Seat number 10, Jacqueline Fung.

9 J-A-C-Q-U-E-L-I-N-E, F-U-N-G.

10 Seat number 11, Khandija Barrow. First name  
11 K-H-A-N-D-I-J-A, B-A-R-R-O-W.

12 Seat number 12, Ashley Dunn. A-S-H-L-E-Y,  
13 D-U-N-N.

14 THE COURT: You could have stayed there.

15 PROSPECTIVE JUROR: Yeah.

16 THE CLERK: Seat number 13, Alexander  
17 Gladskiy. Last name Gladskiy. G-L-A-D-S-K-I-Y,  
18 A-L-E-X-A-N-D-E-R.

19 Seat number 14, David Johnson. Last name  
20 J-O-H-N-S-O-N, first name David.

21 PROSPECTIVE JUROR: I am back.

22 THE COURT: You are back. Comfortable chair.

23 THE CLERK: Seat number 15, Brian Bennett.

24 PROSPECTIVE JUROR: Here.

25 THE CLERK: First name B-R-I-A-N,

1 B-E-N-N-E-T-T.

2 And in seat number 16, Chanel Brown.

3 C-H-A-N-E-L, B-R-O-W-N.

4 THE COURT: Okay. Everybody take a deep  
5 breath. I am going to ask some questions of each of  
6 you to start. Just reminder. Obviously I have the  
7 microphone. It's really easy for me to be heard. You  
8 unfortunately don't. So I will ask you all when you  
9 answer, nice and loud, please. As loudly as you can so  
10 they can hear you in the far corners of the room.

11 All right. Let's start with you,  
12 Miss Nikolayeva. Good morning.

13 PROSPECTIVE JUROR: Good morning.

14 THE COURT: What part of Brooklyn do you live  
15 in?

16 PROSPECTIVE JUROR: South Brooklyn.

17 THE COURT: What?

18 PROSPECTIVE JUROR: South Brooklyn.

19 THE COURT: South Brooklyn.

20 How long have you lived in Brooklyn?

21 PROSPECTIVE JUROR: For 12 years.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR: I have a partner.

24 THE COURT: Okay. Any children?

25 PROSPECTIVE JUROR: Yes, I do have a



1 daughter.

2 THE COURT: Okay. And are you currently  
3 working?

4 PROSPECTIVE JUROR: Yes, I am.

5 THE COURT: What do you do?

6 PROSPECTIVE JUROR: I am a office manager in  
7 a medical practice.

8 THE COURT: Okay. And is your partner  
9 working?

10 PROSPECTIVE JUROR: Yes, he is.

11 THE COURT: Doing what?

12 PROSPECTIVE JUROR: He is doing construction.

13 THE COURT: Okay. Thank you.

14 Miss Tom, hello.

15 PROSPECTIVE JUROR: Hi.

16 THE COURT: What part of Brooklyn do you live  
17 in?

18 PROSPECTIVE JUROR: Gravesend.

19 THE COURT: Okay. And your marital status?

20 PROSPECTIVE JUROR: Single.

21 THE COURT: Any children?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Are you currently working or in  
24 school?

25 PROSPECTIVE JUROR: Yes, working.

1 THE COURT: Working. What do you do?

2 PROSPECTIVE JUROR: I am an affiliate manager  
3 for mobile advertising firm.

4 THE COURT: Okay. Thank you.

5 Mr. Kelly, how are you?

6 PROSPECTIVE JUROR: Hi.

7 THE COURT: What part of Brooklyn is home?

8 PROSPECTIVE JUROR: Outside Clinton Hill.

9 THE COURT: Clinton Hill.

10 How long are you living in Brooklyn?

11 PROSPECTIVE JUROR: About one year.

12 THE COURT: Where were you before that?

13 PROSPECTIVE JUROR: Maryland.

14 THE COURT: Maryland.

15 Miss Tom, I forgot to ask you how long you  
16 are living in Brooklyn.

17 PROSPECTIVE JUROR: All my life.

18 THE COURT: Okay. And, Mr. Kelly, your  
19 marital status?

20 PROSPECTIVE JUROR: Single.

21 THE COURT: Any children?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay. Are you currently working?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR: So my official title is  
2 buying program. I write down bonds.

3 THE COURT: Do you have a science background?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: In chemistry?

6 PROSPECTIVE JUROR: Biology.

7 THE COURT: Thank you very much.

8 By the way, in the work that you do, is that  
9 for a private company?

10 PROSPECTIVE JUROR: NYU Medical Center.

11 THE COURT: Do you work with NYU? Do you  
12 ever do any analytical work for any law enforcement  
13 agencies, the Office of the Chief Medical Examiner,  
14 anything of that nature?

15 PROSPECTIVE JUROR: Not for law enforcement.  
16 No.

17 THE COURT: Okay. Thank you.

18 Miss Bland, how are you?

19 PROSPECTIVE JUROR: Fine. Thank you.

20 THE COURT: Good.

21 What part of Brooklyn do you live in?

22 PROSPECTIVE JUROR: Brooklyn Heights.

23 THE COURT: How long are you in Brooklyn?

24 PROSPECTIVE JUROR: 44 years.

25 THE COURT: And your marital status?

1 PROSPECTIVE JUROR: I am married.

2 THE COURT: You have children?

3 PROSPECTIVE JUROR: One.

4 THE COURT: And are you currently working?

5 PROSPECTIVE JUROR: I am retired.

6 THE COURT: Always restrain myself from  
7 saying lucky. Pops out of my mouth.

8 (Whereupon, there was laughter in the  
9 courtroom.)

10 THE COURT: What did you do before you  
11 retired medical?

12 PROSPECTIVE JUROR: Well I worked in  
13 corporate interior design. I also worked in catering  
14 and had a take-out food store.

15 THE COURT: All right. Is your spouse  
16 currently working?

17 PROSPECTIVE JUROR: He is an architect.

18 THE COURT: Okay. How about your, is it son  
19 or daughter?

20 PROSPECTIVE JUROR: Daughter.

21 THE COURT: Working in law enforcement or the  
22 law?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Thank you.

25 Mr. McGuinness, good morning.

1 PROSPECTIVE JUROR: Good morning.

2 THE COURT: Still morning.

3 What part of Brooklyn?

4 PROSPECTIVE JUROR: Williamsburg.

5 THE COURT: How long are you in Brooklyn?

6 PROSPECTIVE JUROR: My entire life.

7 THE COURT: Okay. And your marital status?

8 PROSPECTIVE JUROR: Single.

9 THE COURT: Any kids?

10 PROSPECTIVE JUROR: One daughter.

11 THE COURT: And are you currently working?

12 PROSPECTIVE JUROR: Right now, no.

13 THE COURT: Okay. What are you trained to do  
14 or interested in doing?

15 PROSPECTIVE JUROR: Culinary arts.

16 THE COURT: Okay. The two of you have to  
17 have a conversation.

18 (Whereupon, there was laughter in the  
19 courtroom.)

20 THE COURT: Okay. Thank you.

21 Mr. Diaz, how are you, sir?

22 PROSPECTIVE JUROR: Good. How are you?

23 THE COURT: Good.

24 What part of Brooklyn do you live in?

25 PROSPECTIVE JUROR: Midwood.



1 THE COURT: Midwood. Okay.

2 How long are you in Brooklyn?

3 PROSPECTIVE JUROR: 14 years.

4 THE COURT: And your marital status?

5 PROSPECTIVE JUROR: Married. Yes.

6 THE COURT: Any children?

7 PROSPECTIVE JUROR: Three children.

8 THE COURT: Three.

9 Are you currently working?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: What do you do?

12 PROSPECTIVE JUROR: Superintendent.

13 THE COURT: Okay. Is your spouse, your wife  
14 working?

15 PROSPECTIVE JUROR: Not right now.

16 THE COURT: What did she do?

17 PROSPECTIVE JUROR: She used to be, she work  
18 in the salon like a stylist.

19 THE COURT: A stylist. Okay.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Thank you.

22 Miss Patel, hello.

23 PROSPECTIVE JUROR: Hi.

24 THE COURT: What part of Brooklyn do you live  
25 in?



1 PROSPECTIVE JUROR: Near Sunset Park.

2 THE COURT: How long you living in Brooklyn?

3 PROSPECTIVE JUROR: 23 years.

4 THE COURT: And your marital status?

5 PROSPECTIVE JUROR: Married.

6 THE COURT: Any kids?

7 PROSPECTIVE JUROR: Two.

8 THE COURT: Okay. Are you currently working?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR: Finance in Citibank.

12 THE COURT: Okay. And is your spouse

13 working?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Doing what?

16 PROSPECTIVE JUROR: He is an engineer.

17 THE COURT: Okay. Thank you.

18 Mr. Wilson, how are you?

19 PROSPECTIVE JUROR: I am well. Thank you.

20 THE COURT: Good.

21 What part of Brooklyn is home?

22 PROSPECTIVE JUROR: Bed-Stuy.

23 THE COURT: How long are you living in

24 Brooklyn?

25 PROSPECTIVE JUROR: Three years.

1 THE COURT: Okay. Before that?

2 PROSPECTIVE JUROR: I was in Maryland.

3 THE COURT: Okay. And your marital status?

4 PROSPECTIVE JUROR: Single.

5 THE COURT: Any children?

6 PROSPECTIVE JUROR: No kids.

7 THE COURT: Are you currently working?

8 PROSPECTIVE JUROR: Yes. Web designer.

9 THE COURT: Okay. Thank you.

10 Mr. Baptiste, how are you?

11 PROSPECTIVE JUROR: Fine. Thank you.

12 THE COURT: Good.

13 What part of Brooklyn is home?

14 PROSPECTIVE JUROR: East Flatbush.

15 THE COURT: How long are you in Brooklyn?

16 PROSPECTIVE JUROR: 30 years.

17 THE COURT: And your marital status?

18 PROSPECTIVE JUROR: Single.

19 THE COURT: Single.

20 Any children?

21 PROSPECTIVE JUROR: Two.

22 THE COURT: Are you currently working?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: What do you do, sir?

25 PROSPECTIVE JUROR: Construction.

1 THE COURT: Okay. Thank you.

2 Miss Fung, good morning.

3 PROSPECTIVE JUROR: Good morning.

4 THE COURT: What part of Brooklyn?

5 PROSPECTIVE JUROR: Midwood section.

6 THE COURT: How long are you in Brooklyn?

7 PROSPECTIVE JUROR: 24 years.

8 THE COURT: And your marital status?

9 PROSPECTIVE JUROR: Single.

10 THE COURT: Children?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. Are you currently  
13 employed?

14 PROSPECTIVE JUROR: Yes. I am a market  
15 research associate for a credit rating agency.

16 THE COURT: Is that something that would have  
17 required a finance study background of, something of  
18 that nature?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. I am old. I have to just,  
21 takes me a little to checkup if they talk about  
22 anything having to do with the web, things of that  
23 nature of, to sort of play catch up a little bit.  
24 Thank you.

25 PROSPECTIVE JUROR: Thank you.

1 THE COURT: Miss Barrow, good morning.

2 PROSPECTIVE JUROR: Good morning.

3 THE COURT: What part of Brooklyn do you live  
4 in?

5 PROSPECTIVE JUROR: East New York.

6 THE COURT: And how long are you living in  
7 Brooklyn?

8 PROSPECTIVE JUROR: Four years.

9 THE COURT: Where were you before that?

10 PROSPECTIVE JUROR: The Bronx.

11 THE COURT: The Bronx. Okay. We allow cross  
12 borough, you know.

13 (Whereupon, there was laughter in the  
14 courtroom.)

15 THE COURT: What is your marital status?

16 PROSPECTIVE JUROR: Single.

17 THE COURT: Any children?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay. And are you currently  
20 working?

21 PROSPECTIVE JUROR: Yes, ma'am.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR: Nutrition assistant at  
24 New York-Presbyterian Hospital.

25 THE COURT: Okay. Thank you.

1 Miss Dunn, hi again.

2 What part of Brooklyn do you live in?

3 PROSPECTIVE JUROR: Prospect Park south.

4 THE COURT: How long are you living in  
5 Brooklyn?

6 PROSPECTIVE JUROR: Five years.

7 THE COURT: Okay. Before that?

8 PROSPECTIVE JUROR: Queens.

9 THE COURT: Okay. And your marital status?

10 PROSPECTIVE JUROR: Single.

11 THE COURT: Single.

12 (Whereupon, there was laughter in the  
13 courtroom.)

14 THE COURT: Okay. Any children?

15 PROSPECTIVE JUROR: No. Thank you.

16 THE COURT: Okay. No. Thank you.

17 All right. And are you currently working or  
18 in school?

19 PROSPECTIVE JUROR: I am working. I am  
20 senior analyst for a retail company.

21 THE COURT: Here I am asking if you are still  
22 in school. Okay. Thank you.

23 Mr. Gladskiy, hello.

24 PROSPECTIVE JUROR: Good morning.

25 THE COURT: What part of Brooklyn do you live

1 in?

2 PROSPECTIVE JUROR: Midwood.

3 THE COURT: How long you living in Brooklyn?

4 PROSPECTIVE JUROR: Seven years.

5 THE COURT: Before that?

6 PROSPECTIVE JUROR: I just came to the U.S.  
7 seven years ago. From Uzbekistan.

8 THE COURT: And your marital status?

9 PROSPECTIVE JUROR: I am married.

10 THE COURT: Any children?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. Are you currently working?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR: System engineer.

16 THE COURT: And is your spouse working?

17 PROSPECTIVE JUROR: No. She is a student.

18 THE COURT: Student. Where?

19 PROSPECTIVE JUROR: Brooklyn College.

20 THE COURT: Okay. All right. Thank you.

21 Mr. Johnson, hello again.

22 PROSPECTIVE JUROR: Good morning.

23 THE COURT: What part of Brooklyn is home?

24 PROSPECTIVE JUROR: Sunset Park.

25 THE COURT: How long are you in Brooklyn?



1 PROSPECTIVE JUROR: Since I was born.

2 THE COURT: Oh, okay. Lifer like me.

3 And your marital status?

4 PROSPECTIVE JUROR: Married.

5 THE COURT: Any children?

6 PROSPECTIVE JUROR: One child.

7 THE COURT: Okay. Are you currently working?

8 PROSPECTIVE JUROR: No, ma'am. Retired.

9 THE COURT: Retired. And what did you do

10 before you retired?

11 PROSPECTIVE JUROR: I retired as a lieutenant  
12 from the New York City Fire Department.

13 THE COURT: And is your spouse currently  
14 working?

15 PROSPECTIVE JUROR: She is.

16 THE COURT: What does she do?

17 PROSPECTIVE JUROR: School crossing guard.

18 THE COURT: Okay. Thank you very much.

19 Mr. Bennett, hello.

20 PROSPECTIVE JUROR: Hello.

21 THE COURT: What part of Brooklyn do you live  
22 in?

23 PROSPECTIVE JUROR: Flatbush.

24 THE COURT: How long are you in Brooklyn?

25 PROSPECTIVE JUROR: All my life.

1 THE COURT: And your marital status, sir?

2 PROSPECTIVE JUROR: Single.

3 THE COURT: Any children?

4 PROSPECTIVE JUROR: No children.

5 THE COURT: Okay. Are you currently working?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What did you do?

8 PROSPECTIVE JUROR: I am an actor.

9 THE COURT: You are an actor.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Stage, film, anything?

12 PROSPECTIVE JUROR: Yeah, television.

13 THE COURT: Okay. Interesting job.

14 Difficult, I am sure.

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: Requires a lot of perseverance to  
17 stick with that.

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Miss Brown, hi.

20 What part of Brooklyn is home for you?

21 PROSPECTIVE JUROR: Bensonhurst.

22 THE COURT: And how long have you lived in  
23 Brooklyn?

24 PROSPECTIVE JUROR: My whole life.

25 THE COURT: And your marital status?

1 PROSPECTIVE JUROR: Single.

2 THE COURT: Single.

3 Any children?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. Are you currently working?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR: I am a manager at a shoe  
9 store.

10 THE COURT: Okay. Thank you, all.

11 All right. So I am going to ask the next set  
12 of questions of all of you as a group. If the answer  
13 is yes, raise your hand. If there's something that you  
14 would like to address privately, let me know. We will  
15 have you come up and speak with me and the lawyers up  
16 here at the bench.

17 Have any of you or any members of your family  
18 ever worked for the New York City Police Department,  
19 the court system, or the District Attorney's Office?

20 Okay. Miss Patel.

21 PROSPECTIVE JUROR: Yes. My husband. He is  
22 an engineer.

23 THE COURT: With?

24 PROSPECTIVE JUROR: NYPD.

25 THE COURT: Okay. Will in his work -- how

1 long has he been with P.D.?

2 PROSPECTIVE JUROR: 15, 12 to 15. I can't  
3 remember.

4 THE COURT: Was he ever a patrol officer or  
5 anything of that nature?

6 PROSPECTIVE JUROR: No. He is engineer.

7 THE COURT: But in his work does he have  
8 regular contact with police officers?

9 PROSPECTIVE JUROR: I would say so. I am not  
10 sure.

11 THE COURT: Okay. Is there anything about  
12 the fact that he works as an engineer with P.D.,  
13 anything about that by itself that would make it hard  
14 for you to be fair and impartial here?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Thank you.

17 Mr. Johnson, I saw your hand up.

18 PROSPECTIVE JUROR: School crossing guards  
19 are under the police department. And my brother-in-law  
20 is a retired sergeant from the police department.

21 THE COURT: Okay. Do you discuss work with  
22 both with your spouse and with your brother-in-law?

23 PROSPECTIVE JUROR: My wife likes to discuss  
24 her work.

25 THE COURT: Okay. In her work does she have

1 regular contact with uniformed officers with other  
2 police officers?

3 PROSPECTIVE JUROR: She is under a sergeant  
4 at the precinct.

5 THE COURT: Okay. Is there anything either  
6 in the fact of their employment where they work,  
7 etcetera, that would make, by itself make it hard for  
8 you to be fair and impartial?

9 PROSPECTIVE JUROR: I don't think so.

10 THE COURT: Okay. Thank you.

11 Anybody else?

12 Because this is a criminal case there are  
13 police officers involved. And there will be testimony  
14 from police officers as well as civilians.

15 In a trial, a police officer is just like any  
16 other witness. And their testimony gets no more  
17 weight, no less weight than any other witness who might  
18 be called.

19 There anyone among you who could not treat a  
20 police officer just like any other witness? Okay. All  
21 right.

22 Have any of you or any members of your family  
23 ever been the victim of a crime?

24 Okay. Miss Bland.

25 PROSPECTIVE JUROR: I've had my wallet taken

1 out of my purse twice.

2 THE COURT: Was it reported to the police?

3 PROSPECTIVE JUROR: In one instance, yes.

4 THE COURT: Anybody apprehended?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Is there anything in  
7 either of those experiences or the fact that nobody was  
8 apprehended or anything else about it that would affect  
9 your ability to be fair and impartial here?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. Miss Nikolayeva.

12 PROSPECTIVE JUROR: I was attacked last year  
13 on the street.

14 THE COURT: I am sorry to hear that. Are you  
15 comfortable speaking.

16 PROSPECTIVE JUROR: Yes. Of course.

17 THE COURT: Okay. Were you injured?

18 PROSPECTIVE JUROR: No. Just few scratches.

19 It was...

20 THE COURT: Was this a stranger or someone  
21 you knew?

22 PROSPECTIVE JUROR: It was a stranger. She  
23 was a woman under influence of drugs. She just tried  
24 to grab my hair. I had to hit back and she was  
25 captured and stood the trial last year.



1 THE COURT: The case did go to trial?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Did you have to testify?

4 PROSPECTIVE JUROR: No. I just spoke with  
5 the D.A. Office.

6 THE COURT: Okay. Was this here in Brooklyn?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Is there anything in your, in the  
9 experience at all, whether it's either the fact that it  
10 happened, the way your interaction, if any, with police  
11 officers who might have responded, your interaction  
12 with the D.A.'s Office, with defense counsel, if you  
13 had any interaction of that type, anything that would  
14 affect your ability to be fair and impartial here?

15 PROSPECTIVE JUROR: No. I think everything  
16 came out clear and fair.

17 THE COURT: Okay. Thank you for that.

18 Anybody else? Okay.

19 Have any of you or any members of your family  
20 ever been arrested or convicted of a crime?

21 Okay. Mr. Kelly.

22 PROSPECTIVE JUROR: Yeah. Do I need to go  
23 into the details?

24 THE COURT: Yeah. If you want to come up and  
25 speak privately with us you can.

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Okay. Come on up.

3 Counsels.

4 (Whereupon, there was a discussion held at  
5 the bench on the record.)

6 THE COURT: You need to speak loud enough for  
7 the court reporter and for the lawyers to hear you.  
8 Yes.

9 PROSPECTIVE JUROR: Details. What details do  
10 you need to know?

11 THE COURT: Well was it you?

12 PROSPECTIVE JUROR: I was arrested. Yeah.

13 THE COURT: Okay. Was it here in Brooklyn?

14 PROSPECTIVE JUROR: No. It was back in  
15 Maryland.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR: The charges were  
18 eventually dropped, but I think it was very, say, like  
19 I did -- it was a very bad situation, like a bad  
20 experience with police. You know, they are very  
21 manipulative and very untrustworthy in their actions.

22 THE COURT: Were you incarcerated at all?

23 PROSPECTIVE JUROR: No.

24 THE COURT: What were the nature of the  
25 charges?

1 PROSPECTIVE JUROR: They were drug related  
2 charges.

3 THE COURT: Did the case go to trial when you  
4 say they eventually --

5 PROSPECTIVE JUROR: It did go to trial.

6 THE COURT: Was it a jury trial?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Was it a trial before a Judge?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And you were acquitted after  
11 trial?

12 PROSPECTIVE JUROR: There was like a  
13 probationary period. Then eventually everything was in  
14 Maryland, they have expungement and probation of the  
15 judgment.

16 THE COURT: How long were you on probation?

17 PROSPECTIVE JUROR: About 18 months.

18 THE COURT: How long ago was this?

19 PROSPECTIVE JUROR: This was almost a decade  
20 ago now.

21 THE COURT: Okay. And do you believe that --  
22 you have indicated you had a negative impressions,  
23 experiences with the police. Would that affect your  
24 ability to be fair and impartial?

25 PROSPECTIVE JUROR: Honestly it probably

1 would. I have many other experiences afterwards --

2 THE COURT: I just asked before about is  
3 there anyone who could not treat a police officer like  
4 any other witness.

5 PROSPECTIVE JUROR: Yeah. I was... thinking  
6 hard about it a time. And yeah. I have relatives who  
7 are police officers, so I try to be impartial, but I've  
8 had many personal experiences.

9 THE COURT: What relatives are police  
10 officers?

11 PROSPECTIVE JUROR: Two of my aunts are  
12 police officers.

13 THE COURT: Just asked before if you had any  
14 members of your family who were.

15 PROSPECTIVE JUROR: I thought you meant  
16 specific in New York. They're back in Maryland.  
17 Sorry.

18 THE COURT: Okay. You have questions?

19 MR. MOTTOLA: No. You covered it, Judge.

20 THE COURT: Any questions by you?

21 MS. BURKE: (Indicating).

22 THE COURT: Thank you. Have a seat.

23 (Whereupon, the following took place on the  
24 record in open court.)

25 THE COURT: Thank you, Mr. Kelly.

1                   Anyone else? Mr. McGuinness.

2                   PROSPECTIVE JUROR: Whatever I will say, say  
3 it from here. I don't care.

4                   THE COURT: If you want to speak privately  
5 you can.

6                   PROSPECTIVE JUROR: No. That's fine.

7                   I was convicted of theft in the state of New  
8 Jersey. It was reduced down to an ordinance of October  
9 of this year.

10                  THE COURT: How long ago was that?

11                  PROSPECTIVE JUROR: October of this year.  
12 And we had the trial just before Thanksgiving, so a few  
13 days before Thanksgiving.

14                  THE COURT: Was it a trial with a jury?

15                  PROSPECTIVE JUROR: No.

16                  THE COURT: Okay. So you said it was reduced  
17 to an ordinance. I assume that's a violation of, not a  
18 criminal conviction.

19                  PROSPECTIVE JUROR: Yes. So does that not  
20 apply or should I...

21                  THE COURT: Is there anything in your  
22 experience that would make it hard for you to be fair  
23 and impartial here?

24                  PROSPECTIVE JUROR: No. The cops were  
25 pleasant. I am fine with it.

1 THE COURT: Okay. Thank you.

2 Anybody else? All right.

3 Have any of you ever served on a jury before?

4 Okay, Miss Bland. Civil, criminal, grand

5 jury?

6 PROSPECTIVE JUROR: One was criminal, one was

7 civil.

8 THE COURT: About how long ago was the

9 criminal matter?

10 PROSPECTIVE JUROR: I don't know. I mean

11 could have been 20 years ago.

12 THE COURT: Do you remember what kind of case

13 it was?

14 PROSPECTIVE JUROR: Assault in an elevator.

15 THE COURT: Without telling us the outcome of

16 the cases, did the juries deliberate and reach a

17 verdict in these matters?

18 PROSPECTIVE JUROR: Not in the civil case.

19 But yes in the criminal case.

20 THE COURT: Okay. Is there anything about

21 your experience on the jury that would affect your

22 ability to be fair and impartial here?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Thank you.

25 Anybody else? Yes, Miss Patel.



1 PROSPECTIVE JUROR: Yes. Civil case.

2 THE COURT: Yes. About how long -- here in  
3 Brooklyn?

4 PROSPECTIVE JUROR: Yeah -- yes.

5 THE COURT: And?

6 PROSPECTIVE JUROR: I think ten years. I  
7 can't remember.

8 THE COURT: Okay. Did the jury deliberate  
9 and reach a verdict?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Was there anything in the  
12 experience that would make it hard for you to be fair  
13 and impartial here?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. Thank you.

16 Anybody else? All right.

17 And my last question to you is this.

18 At the end of the trial I am going to explain  
19 the law to you as it applies in this case. If you are  
20 selected as a juror, you are required to follow the law  
21 as I give it to you, whether you agree with it or not.

22 Is there anyone among you who could not do  
23 that? Okay. Thank you.

24 All right. That ends my questions and the  
25 attorneys will now have an opportunity to ask you some

1 questions. We will start with the assistant district  
2 attorney Mr. Mottola.

3 MR. MOTTOLA: Yes. Thank you, Judge. Could  
4 I just have one second?

5 THE COURT: Sure.

6 (Whereupon, there was a pause in the  
7 proceedings.)

8 MR. MOTTOLA: Good afternoon, everyone.

9 THE COURT: I offer the lawyers like a five  
10 minute warning before you --

11 MR. MOTTOLA: Yes. That's fine.

12 Good morning -- good afternoon, everyone. My  
13 name is Lawrence Mottola. I am the district attorney  
14 in this case. That's Stephanie D'Agostino. She will  
15 be assisting me as well.

16 Just want to thank you for taking your time  
17 for being here today. The Judge told you a little bit  
18 about what the case is, right? It's, there is an  
19 alleged stabbing that occurred somewhere on Court  
20 Street last August.

21 Anyone sitting here right now just hearing  
22 that it's assault on Court Street with a knife, anyone  
23 feeling uncomfortable with the facts of that case just  
24 hearing those vague details? Maybe this isn't the  
25 right case for me. You know, there's violence

1 involved. I can't be fair for one reason or the other.  
2 Anybody? Everyone's okay with that fact pattern?  
3 Okay.

4 Miss Nikolayeva, okay. I got that right. I  
5 am going to pick on you only because you are the only  
6 person on this jury that unfortunately had this.

7 You were the victim of a crime, right? Of a  
8 violent crime. I don't want to go too much into the  
9 details, but you were on the street it sounds like and  
10 you were attacked by a stranger, correct?

11 PROSPECTIVE JUROR: Yes.

12 MR. MOTTOLA: You didn't suffer any injuries,  
13 right? Some scratches.

14 PROSPECTIVE JUROR: Yes.

15 MR. MOTTOLA: What did you do when that  
16 person attacked you?

17 PROSPECTIVE JUROR: What I were doing, I was  
18 walking from the grocery store to work.

19 MR. MOTTOLA: Going to work?

20 PROSPECTIVE JUROR: Yes.

21 MR. MOTTOLA: Okay. And this person came up  
22 from behind you or what?

23 PROSPECTIVE JUROR: I passed her on the  
24 street. She was just talking to the strangers. She  
25 was obviously not well. Doing -- and I passed by, then

1 I just sensed somebody's just running behind me. Then  
2 she grabbed my hair. Was unexpected.

3 MR. MOTTOLA: Okay.

4 PROSPECTIVE JUROR: I had to hold her until  
5 the police arrived.

6 MR. MOTTOLA: Okay. Did I hear you the  
7 person was not well?

8 PROSPECTIVE JUROR: Yes. She was saying  
9 weird things so, to the strangers. Everybody passed  
10 by. For some reason she was talking about the women  
11 who have blond hair. I have blond. To her at this  
12 moment passing by, so for some reason it's just was --

13 MR. MOTTOLA: Okay. Something happened or  
14 something about you upset this woman. You don't know  
15 who she is.

16 PROSPECTIVE JUROR: No.

17 MR. MOTTOLA: She pulls your hair.

18 PROSPECTIVE JUROR: Yes.

19 MR. MOTTOLA: Luckily you are not injured so  
20 you kept her on scene. You said you held her there for  
21 the police.

22 PROSPECTIVE JUROR: Well we had a fight, so  
23 we had to fight a little bit. And I had hit her back a  
24 few times. Then the hold until the police arrived.

25 MR. MOTTOLA: You hit her back, right?

1 That's okay. That's what we call self-defense.

2 If you are picked for this jury, you sit on  
3 the jury, you may hear that application. You may hear  
4 the law about self-defense from the Judge. I'm not  
5 going to go into too much with you.

6 But if I understand correctly, she pulls your  
7 hair and you held her, you restrained her.

8 PROSPECTIVE JUROR: Well discuss more into  
9 the details of the case, what happened. If that's what  
10 you want to do, I can do that.

11 MR. MOTTOLA: Well I just asking did you pull  
12 out any kind of weapon.

13 PROSPECTIVE JUROR: No.

14 MR. MOTTOLA: She pulled your hair, right?

15 So you, what I imagine, you held her or you,  
16 maybe you punched her, something along those lines.

17 Would that be fair to say?

18 PROSPECTIVE JUROR: Probably.

19 MR. MOTTOLA: Okay. But you didn't do  
20 anything excessive.

21 PROSPECTIVE JUROR: No.

22 MR. MOTTOLA: Okay.

23 MS. BURKE: Objection, Your Honor.

24 THE COURT: Sustained.

25 MR. MOTTOLA: Okay. So, you're going to hear



1 from many witnesses in this case, some of which are  
2 police officers, and you all said you can treat the  
3 police officers like any other witness. When they  
4 testify, you are going to look at them and you are  
5 going to give them the same tests that you would give  
6 any other witness 'cause you will hear from civilians,  
7 too. And you can all do that. You can see them. They  
8 may be in uniform, they may not. You won't have the  
9 uniform affect you either positively or negatively.

10 Everyone agrees to do that? Everyone can do  
11 that? Okay.

12 Now the person you wouldn't hear from in this  
13 case is, there was a name mentioned, Mohammed Kalifa.  
14 You will hear testimony about Mr. Kalifa, about his  
15 injuries, about his condition that day. You'll see  
16 surveillance videos. You are not going to hear from  
17 him, however. So the actual victim in this case will  
18 not be testifying.

19 Is that a problem for any of you that are  
20 sitting here now that you could not render a verdict  
21 one way or the other without hearing from the person  
22 that was injured? You couldn't do it even if you hear  
23 from other eyewitnesses and the officers and the video.

24 Is that an issue for anybody? You are not  
25 going to hear about him. You are not going to hear



1           what's going on with him. Nothing at all.

2                   Mr. Wilson, you are okay with that? You  
3           don't need to hear from the witness?

4                   PROSPECTIVE JUROR: No.

5                   MR. MOTTOLA: Miss Patel.

6                   PROSPECTIVE JUROR: (Indicating).

7                   MR. MOTTOLA: Everyone can do that?

8                   PROSPECTIVE JUROR: Yeah.

9                   MR. MOTTOLA: Okay. Now, who has been, I  
10          imagine most of you ride the subway at some point,  
11          right? Most of you ride the subway.

12                   PROSPECTIVE JUROR: Yes.

13                   MR. MOTTOLA: Or you walking down the street.

14                   Has anyone ever encountered a homeless person  
15          or a panhandler similar, you know, to Miss Nikolayeva's  
16          experience? Maybe you are not attacked by that person  
17          but they've aggressively asked you for money.

18                   Everyone had that experience? Right?  
19          Happens pretty frequently.

20                   Okay. And, Miss Brown, I see you nodding.

21                   PROSPECTIVE JUROR: Yes.

22                   MR. MOTTOLA: Say you are walking to the  
23          grocery store and there's a man, maybe he is homeless,  
24          maybe he is not, asking you for money.

25                   What do you do?

1 PROSPECTIVE JUROR: It's times if I have  
2 change I will give it to him. Or I will just say I am  
3 sorry I don't have it.

4 MR. MOTTOLA: Okay. Mr. Bennett.

5 PROSPECTIVE JUROR: The same thing.

6 MR. MOTTOLA: Okay. So that's if they're  
7 asking for money.

8 PROSPECTIVE JUROR: Yes.

9 MR. MOTTOLA: What if they're not asking for  
10 money. What if they're just being nasty? What if --  
11 there's 8 million people in New York, they're not all  
12 nice.

13 What if you're walking to the subway and  
14 there's a person you don't know standing there, or he  
15 is following you, or he says something to you, or he's  
16 verbally nasty to you? I don't know. He makes fun of  
17 your glasses, let's say.

18 Have you had something similar like that  
19 happen or have any of you had anything similar where  
20 you are on the street, someone says something, either  
21 they curse or they just, you know, they make a gesture,  
22 a rude gesture to you that upset you?

23 Anyone ever had that experience?

24 PROSPECTIVE JUROR: Yes.

25 MR. MOTTOLA: Miss Bland.

1 PROSPECTIVE JUROR: Yeah. All the time.

2 MR. MOTTOLA: Sure. All the time, right?

3 PROSPECTIVE JUROR: Yeah. Every day.

4 MR. MOTTOLA: No one else has had that  
5 experience?

6 Miss Fung, you are nodding.

7 PROSPECTIVE JUROR: Just ignore it.

8 MR. MOTTOLA: You ignore it, right?

9 What if you can't ignore it? What if it  
10 reaches the level where maybe you are afraid?

11 PROSPECTIVE JUROR: I go somewhere else. I  
12 move.

13 THE COURT: I can't hear you.

14 PROSPECTIVE JUROR: Yes. I move. I go  
15 somewhere else.

16 MR. MOTTOLA: You go somewhere else. Okay.  
17 These are all things you could do.

18 You ever call the police?

19 PROSPECTIVE JUROR: No. Never risen to that  
20 level. No.

21 MR. MOTTOLA: So, Miss Bland, it happens to  
22 you all the time, or it has happened to you, I guess.

23 What have you done in those situations?

24 PROSPECTIVE JUROR: I get out of wherever I  
25 am. I change cars on the subway. I get off the

1 subway, whatever. I just move to another location.

2 MR. MOTTOLA: Okay. Now you are our only  
3 criminal juror on the panel, so you actually saw a  
4 trial, right?

5 PROSPECTIVE JUROR: Oh, yes.

6 MR. MOTTOLA: Okay. You were a juror. You  
7 sat there. And I assume witnesses were called in that  
8 case.

9 PROSPECTIVE JUROR: Mmm-hmm.

10 MR. MOTTOLA: Right. They testified about  
11 what they saw, right?

12 PROSPECTIVE JUROR: Mmm-hmm.

13 MR. MOTTOLA: Okay. You didn't have -- or  
14 did you have a surveillance video of the crime?

15 PROSPECTIVE JUROR: No.

16 MR. MOTTOLA: No.

17 In this case you will have the benefit, if  
18 you are picked, you will see a couple of videos. You  
19 will see at least one video of the incident, but you  
20 are also going to hear from at least two witnesses that  
21 were there. That were in the vicinity somewhere on  
22 street level observing the event from a different  
23 location.

24 They're going to come in here. They're going  
25 to swear to tell the truth like every witness. They're

1 going to tell you to the best of their memory what they  
2 saw. You have to rely on this testimony. What they  
3 tell you, that's evidence.

4 Everyone understand that concept? The video  
5 doesn't show the whole story, so you will have to rely  
6 on these eyewitnesses, right. They're going to tell  
7 you what's going on. That testimony, that is evidence.

8 Does everyone understand that? Okay.

9 Everyone's nodding okay.

10 The police officers in this case, you are  
11 going to see video of their involvement as well. You  
12 don't know any of the police officers, right? You  
13 heard Officer Louard, Officer Isaac.

14 No one recognized any of those officers,  
15 right?

16 Anyone had any particularly negative  
17 experience? Without going into details, Mr. Kelly, we  
18 spoke. With police officers in New York City. Just  
19 raise your hand if you have. No one. Okay.

20 Everyone's okay with the police? You're all  
21 agreeing when they come in here you will listen to what  
22 the officers have to say, you will see video of their  
23 involvement, maybe you will treat them like you treat  
24 the civilians that testify.

25 Everyone can do that? Okay.

1 Now, you don't know Mr. McGriff, right. But  
2 you can see Mr. McGriff as he is seated there now. You  
3 will not see Mr. Kalifa, okay. You are never going to  
4 hear from him.

5 And Mr. McGriff, there may be family here for  
6 him as the trial progresses. At the end of this case,  
7 right, this is Criminal Court, this is, we know what's  
8 going on here.

9 If you are picked to be a juror, you will  
10 have to deliberate at the end of the case, and there is  
11 a real possibility that the evidence may show that the  
12 defendant is guilty of something and you may have to  
13 return that verdict.

14 Is everyone comfortable with that concept?  
15 As you sit here now, you are saying if I meet my  
16 burden, which is proof beyond a reasonable doubt, and  
17 you believe some criminal activity happened that you  
18 could return a verdict of guilty, and you are not going  
19 to be in the jury room a week from now saying it's  
20 close to Christmas, I want to get out of here. You  
21 know, we are arguing over the evidence. Just forget  
22 it. I think he is guilty but not guilty is my verdict.

23 Is that, I just, we just want fair jurors.  
24 We want jurors that will honor the oath but will not  
25 let sympathy, emotion or stuff like this get in the



1 way.

2 Can everyone do that? Anyone have an issue  
3 with that? Everyone's nodding. Everyone can do that.

4 Mr. Diaz, you can do that for me?

5 PROSPECTIVE JUROR: Yes.

6 MR. MOTTOLA: Mr. McGuinness, if you were  
7 picked.

8 PROSPECTIVE JUROR: Yes.

9 MR. MOTTOLA: Okay. Thank you for your  
10 attention, everyone.

11 THE COURT: Okay. All right, Miss Burke.

12 MS. BURKE: Good morning, ladies and  
13 gentlemen. My name is Jamie Burke. And along with my  
14 co-counsel, Ben Wittwer, we are the attorneys for  
15 Mr. Lorenzo McGriff.

16 I am going to you ask you some questions.  
17 Some of them may be personal. Forgive me if I am  
18 prying, but we have to ensure that Mr. McGriff gets a  
19 panel of jurors that are going to be fair to him during  
20 this trial.

21 Now before we get started I need to ask you,  
22 did anybody walk in and had the opinion, I wonder what  
23 it is that he did? Did that thought cross your mind at  
24 all to you? Even fleetingly?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MS. BURKE: As you sit here today looking at  
3 Mr. McGriff, does it look like he's done something  
4 wrong? Yes or no? Shake heads. Nod. Something so I  
5 can know what you are thinking, how you are feeling.  
6 Most of you are sitting there quietly.

7 During the trial you are not going to have an  
8 opportunity to talk. This is the only time I get to  
9 talk with you, so I would appreciate verbal answer if  
10 possible.

11 PROSPECTIVE JUROR: No.

12 MS. BURKE: Okay. Thank you.

13 The burden of proof in this case rest solely  
14 with this table (indicating). With the prosecutor.  
15 They have to prove beyond a reasonable doubt that  
16 Mr. McGriff committed the crimes that he is excused of.

17 I need assurances and promises from each and  
18 every one of you that if you are picked on this jury,  
19 that you are gonna hold Mr. Mottola and Miss D'Agostino  
20 to their job. That if they don't prove one of the  
21 elements, any one of the elements, that you will  
22 promise me that you are gonna return a verdict of not  
23 guilty for Mr. McGriff.

24 Four out of five doesn't count. Three out of  
25 five doesn't count. If it's five elements, they have

1 to prove each and every element.

2 Can I get a promise from each and every one  
3 of you that if you are picked, it has is be one hundred  
4 percent or nothing. Can I get that promise from each  
5 you?

6 PROSPECTIVE JUROR: Yes.

7 PROSPECTIVE JUROR: Yes.

8 PROSPECTIVE JUROR: Yes.

9 MS. BURKE: Now, Mr. McGriff may testify or  
10 he may not testify. I anticipate that he's going to  
11 testify.

12 How many of you have been accused of  
13 something and have said, I am not even going to dignify  
14 that with an answer, and just said I am not going to  
15 answer that?

16 Have any of you been accused of something,  
17 said you are not going to respond? You're just showing  
18 me blank faces. I need answers, people.

19 PROSPECTIVE JUROR: Nothing serious. Just in  
20 conversation. Or at home. Yes, I've said that.

21 MS. BURKE: So, if you hear from Mr. McGriff,  
22 if you -- if you don't hear from Mr. McGriff, would you  
23 hold that against him?

24 PROSPECTIVE JUROR: No.

25 PROSPECTIVE JUROR: No.

1 MS. BURKE: How many of you want to hear his  
2 story?

3 PROSPECTIVE JUROR: I would like to hear his  
4 story.

5 PROSPECTIVE JUROR: Same.

6 MS. BURKE: So you want to hear it, but if  
7 you don't hear it, is that going to be a problem in  
8 your deliberation?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Do you all understand that you  
11 may not? It's not just we're gonna, you know, trust  
12 you that you are not gonna hold it against him. It's a  
13 question of law. You may not hold it against him if he  
14 makes the choice that he is allowed to make, that he is  
15 entitled to make, not to testify.

16 Is there anyone who has a problem with that?

17 PROSPECTIVE JUROR: No.

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay.

20 MS. BURKE: And you heard a little bit about  
21 the allegations in this case that there was an assault  
22 involving a weapon. Mr. Mottola described it as a  
23 knife. And that Mr. Kalifa got stabbed with this  
24 instrument. This is considered a violent crime.

25 Does the nature of these charges cause



1 anybody a problem? Is there a problem with  
2 deliberating on a case that involves a stabbing?

3 PROSPECTIVE JUROR: No.

4 MS. BURKE: I know it's probably easier to  
5 deal with a turnstile jumping or something like that.  
6 But everybody can promise me that they're willing to  
7 listen to the facts, no matter the nature of the crime,  
8 and come back with a verdict?

9 PROSPECTIVE JUROR: Yes.

10 PROSPECTIVE JUROR: Yes.

11 MS. BURKE: You know that Mr. McGriff has  
12 been indicted on these charges. He is charged with  
13 felonies.

14 Does the fact that he's been indicted in any  
15 of your minds means that he is guilty of something?

16 PROSPECTIVE JUROR: No.

17 PROSPECTIVE JUROR: No.

18 MS. BURKE: There is the presumption of  
19 innocence for Mr. McGriff. The law states that as he  
20 sits here today you must assume, presume, that he is,  
21 innocent. That no matter what he's been charged with,  
22 what he looks like he did, what he sounds like he did,  
23 what I look like I did, he is innocent. Unless this  
24 table (indicating) overcomes that burden.

25 And it's a high standard to make for them.

1 And I need a promise from each of you if you are chosen  
2 as a juror in this case that you are gonna keep that  
3 presumption of innocence for Mr. McGriff from the  
4 moment this trial opens until you start deliberating.

5 Can I get that promise from each of you?

6 PROSPECTIVE JUROR: Yes.

7 PROSPECTIVE JUROR: Yes.

8 MS. BURKE: You can't make up your mind once  
9 you hear one person testify. You can't make up your  
10 mind once you hear the police officer testify. You  
11 can't make up your mind once you hear a civilian  
12 testify. You can't make up your mind once Mr. McGriff  
13 testifies or doesn't testify.

14 It is until after all of the evidence is in  
15 should you be allowed to make a decision as to guilt or  
16 innocence. Once you deliberating with your fellow  
17 jurors.

18 Can you keep that in mind for me?

19 PROSPECTIVE JUROR: Yes.

20 PROSPECTIVE JUROR: Yes.

21 PROSPECTIVE JUROR: Sure.

22 MS. BURKE: Now, Mr. Mottola did tell you  
23 that there was an encounter on the street and there was  
24 some nasty words that were said. And if Mr. McGriff  
25 takes the stand he is gonna tell you what those words



1           were. Sometimes words are hurtful. Sometimes words  
2           are insidious. Sometimes words can make you angry.

3                   Has anyone been called a name that has made  
4           them angry?

5                   PROSPECTIVE JUROR: Yes.

6                   MS. BURKE: What was that name?

7                   PROSPECTIVE JUROR: Just some racial slurs.  
8           Cracker. Stuff like that. Whatever.

9                   MS. BURKE: And you --

10                  PROSPECTIVE JUROR: Bitch.

11                  MS. BURKE: The B word.

12                  PROSPECTIVE JUROR: Yeah.

13                  MS. BURKE: I won't say it out loud.

14                  PROSPECTIVE JUROR: All right.

15                  MS. BURKE: You may hear words like that.  
16           You may hear racial slurs. You may hear words that  
17           cause most people to feel uncomfortable. You may hear  
18           the N word. You may hear terms that are racially  
19           biased.

20                   Is there anything about hearing those words  
21           that would prevent you from being fair jurors in this  
22           case? Either for or against.

23                  PROSPECTIVE JUROR: No.

24                  MS. BURKE: Anyone? By a show of hands,  
25           anyone? Okay.

1 Now, Miss Bland, not to pick on you, but you  
2 said that you were a victim of a crime previously, that  
3 your wallet was stolen a couple of times, and one time  
4 you called the police but the person was never caught.

5 Does that color your opinion about the police  
6 in New York City?

7 PROSPECTIVE JUROR: No.

8 MS. BURKE: Has anyone here had any, I know  
9 most people have said they haven't had any bad  
10 experience with New York City Police Department. And  
11 we have spoken to you already.

12 Has anyone had a good experience with New  
13 York City Police Department that would make them favor  
14 the police at all?

15 PROSPECTIVE JUROR: No.

16 MS. BURKE: Miss Brown is the only one that  
17 said no.

18 Mr. Johnson, you have family members.  
19 Brother-in-law.

20 PROSPECTIVE JUROR: Yes.

21 MS. BURKE: Who is retired sergeant.

22 PROSPECTIVE JUROR: Yes.

23 MS. BURKE: Do you talk to him about any of  
24 his prior cases?

25 PROSPECTIVE JUROR: Not really. No. He's

1           been retired for a good period of time now.

2                   MS. BURKE: You say you are also retired from  
3           the fire department of New York.

4                   PROSPECTIVE JUROR: Yes, ma'am.

5                   MS. BURKE: How long did you serve?

6                   PROSPECTIVE JUROR: 30 years.

7                   MS. BURKE: One of the witnesses may be an  
8           employee of the fire department. An EMT technician.

9                   If that person were to testify, would you  
10          give any favor to that person's testimony because it's  
11          a fellow fire department employee?

12                   PROSPECTIVE JUROR: No. When I retired they  
13          weren't really part of the fire department.

14                   MS. BURKE: So you would treat that person as  
15          you would any other witness?

16                   PROSPECTIVE JUROR: Yes, ma'am.

17                   MS. BURKE: When you're looking at the  
18          witnesses trying to decide if they're telling the truth  
19          or if they're lying, because you have to judge what  
20          they're saying, you have to think about whether it  
21          makes sense or not, what are the things that you look  
22          for in a story, to know whether somebody is lying or  
23          not?

24                   PROSPECTIVE JUROR: Consistency.

25                   MS. BURKE: I am sorry.

1 PROSPECTIVE JUROR: Consistency.

2 MS. BURKE: Consistency from Miss Brown.

3 What about you? Did you say?

4 PROSPECTIVE JUROR: I said consistency as  
5 well.

6 MS. BURKE: Consistency as well from Miss, I  
7 am sorry, Dunn. This is Miss Brown.

8 Anything else? What about body language?

9 PROSPECTIVE JUROR: Yes.

10 MS. BURKE: You think body language is  
11 important?

12 PROSPECTIVE JUROR: Yes.

13 PROSPECTIVE JUROR: Appearance.

14 MS. BURKE: I am sorry. Repeat that,  
15 Miss Dunn.

16 PROSPECTIVE JUROR: Yes. Some maybe could be  
17 nervous.

18 MS. BURKE: Are you nervous as you sit here?

19 PROSPECTIVE JUROR: No.

20 MS. BURKE: Good. Body language.  
21 Consistency in their story. And sometimes a story  
22 doesn't make sense because people may only see a piece  
23 of something that happened. Often times you need to  
24 see the entire thing in order to know what really  
25 happened.



1 Like if you see a trailer for a movie you're  
2 thinking oh, this movie is a comedy. Then you get and  
3 see the entire film and you find out it's a tragedy.  
4 It's better to see the whole thing. Or can you tell  
5 what's gonna happen from the snippets that you see?

6 Who needs to see the whole thing?

7 PROSPECTIVE JUROR: (Indicating).

8 MS. BURKE: I think everyone raised their  
9 hand except you, Mr. Baptiste. You have been  
10 noncommittal at all. I am going to pick on you just a  
11 little bit. If you see a video of an occurrence, and  
12 say it's 20 seconds in time, maybe even a minute in  
13 time, but the actual incident occurred for a period of  
14 five minutes. Do you give more weight to what you see  
15 in the video, or do you give more weight to the telling  
16 of the actual story that occurred for five minutes?

17 PROSPECTIVE JUROR: I would give more weight  
18 to the story.

19 THE COURT: I can't hear you, sir. I am  
20 sorry. I need to be able to hear you.

21 PROSPECTIVE JUROR: I give more weight to the  
22 story for five minutes.

23 MS. BURKE: Why is that, Mr. Baptiste?

24 PROSPECTIVE JUROR: Well there might be more  
25 evidence in it.

1 MS. BURKE: You said there will be more  
2 evidence in the story, in the complete story, rather  
3 than just the snippet of the video.

4 PROSPECTIVE JUROR: Yes.

5 MS. BURKE: Does anyone agree with  
6 Mr. Baptiste? Don't be shy.

7 PROSPECTIVE JUROR: Yes.

8 MS. BURKE: Miss Bland. Anyone else?  
9 Miss Brown. Mr. Diaz, you almost put your hand up.

10 PROSPECTIVE JUROR: No. I said yes. Yes.

11 (Whereupon, there was laughter in the  
12 courtroom.)

13 MS. BURKE: Okay.

14 PROSPECTIVE JUROR: I say yes.

15 MS. BURKE: I just want to make sure I  
16 understand that.

17 What about you, Mr. Wilson?

18 PROSPECTIVE JUROR: Yes. Could be uncovered  
19 throughout the entire picture.

20 MS. BURKE: I just want to cover one last  
21 area. And that is, I need to ask you is there anything  
22 that I've said that colors your opinion of this trial.

23 PROSPECTIVE JUROR: No.

24 PROSPECTIVE JUROR: No.

25 MS. BURKE: Is there anything that I failed



1 to ask you that you think it's important for me to know  
2 when choosing you as a juror?

3 PROSPECTIVE JUROR: No.

4 PROSPECTIVE JUROR: No.

5 MS. BURKE: Anybody? I know everything I  
6 need to know about you?

7 PROSPECTIVE JUROR: Could be more to the  
8 story, though.

9 MS. BURKE: I know everything I need to know  
10 about you, Mr. Kelly?

11 PROSPECTIVE JUROR: Probably.

12 (Whereupon, there was laughter in the  
13 courtroom.)

14 MS. BURKE: Miss Bland has her hand up.

15 PROSPECTIVE JUROR: I did some volunteer work  
16 in Florida at one point for the public defenders  
17 office, but I don't feel that I've had two other jury  
18 experiences. I don't feel that that colored it, but.

19 MS. BURKE: Your prior jury experience, you  
20 said it went to deliberation. One went to  
21 deliberation.

22 Would you have a problem deliberating fully  
23 on this case?

24 PROSPECTIVE JUROR: No.

25 MS. BURKE: If you were in deliberation and

1 you were the one person, the one person that did not  
2 believe Mr. McGriff was guilty of any of the crimes  
3 charged, and all 11 of your fellow jurors says, come  
4 on, Mrs. Brown. Come on, Miss Brown. We need to go.  
5 It's lunchtime. It's Christmastime. I got things to  
6 do. I gotta go shopping. I got dinner to make. I got  
7 my babies at home. Would you cave?

8 PROSPECTIVE JUROR: No. I am going to stick  
9 with what I believe.

10 MS. BURKE: Would you stick by what you  
11 believe in, sir?

12 PROSPECTIVE JUROR: Yes.

13 MS. BURKE: Would you stick by what you  
14 believe in, Mr. Johnson?

15 PROSPECTIVE JUROR: Yes.

16 MS. BURKE: Would you stick by what you  
17 believe in, Miss Dunn?

18 PROSPECTIVE JUROR: Yes.

19 MS. BURKE: Miss Barrow.

20 PROSPECTIVE JUROR: Yes.

21 MS. BURKE: Mr. Baptiste.

22 PROSPECTIVE JUROR: I am sorry.

23 (Whereupon, there was laughter in the  
24 courtroom.)

25 MS. BURKE: If you were the last man

1 standing.

2 (Whereupon, there was laughter in the  
3 courtroom.)

4 MS. BURKE: You were the lone juror deciding  
5 guilt or innocence and the other 11 jurors wanted to  
6 leave, but your opinion was different than theirs,  
7 would you hold out?

8 PROSPECTIVE JUROR: No.

9 MS. BURKE: Why not, Mr. Baptiste? And thank  
10 you for your honesty.

11 PROSPECTIVE JUROR: Majority rules.

12 THE COURT: I am sorry. What did you say?

13 MS. BURKE: He said majority rules.

14 Is that right, Mr. Baptiste?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Mr. Baptiste and everyone else,  
17 this is not majority rules. Majority rules when you  
18 are on the playground. Majority rules when you vote  
19 for president.

20 (Whereupon, there was laughter in the  
21 courtroom.)

22 THE COURT: But it's a case majority rules  
23 there. Absolutely. But in a criminal case when a jury  
24 is deliberating, your verdict must be unanimous.  
25 Meaning everyone must agree to it.

1 Do you understand that?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Would you be able to follow those  
4 instructions, Mr. Baptise? If I gave you the  
5 instructions and that was the law and that you were  
6 required to follow it, would you be able to follow  
7 that?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Anyone among you who could not  
10 follow that instruction?

11 MS. BURKE: Miss Tom, you would follow that  
12 instruction?

13 PROSPECTIVE JUROR: (Indicating).

14 MS. BURKE: To the letter.

15 PROSPECTIVE JUROR: Yes.

16 MS. BURKE: Miss Patel.

17 PROSPECTIVE JUROR: Yes.

18 MS. BURKE: Okay. So that means everybody  
19 wanted to go to McDonald's and you wanted to go to  
20 Burger King, you would still stick out and go to Burger  
21 King?

22 PROSPECTIVE JUROR: Yep.

23 MS. BURKE: And the last question is, is  
24 there anything about Mr. McGriff as you look at him,  
25 because he hasn't said a word, as you look at him right



1 now, is there anything about his appearance, his  
2 demeanor, his anything, his clothes, his haircut,  
3 anything about him?

4 Don't talk about my hair.

5 (Whereupon, there was laughter in the  
6 courtroom.)

7 MS. BURKE: Anything about him that would  
8 prevent you from being a fair and impartial juror on  
9 this case?

10 PROSPECTIVE JUROR: No.

11 PROSPECTIVE JUROR: No.

12 PROSPECTIVE JUROR: No.

13 MS. BURKE: Thank you for your time.

14 THE COURT: Okay. All right, ladies and  
15 gentlemen, all right. Given our, given the hour I am  
16 going to send all of you out to lunch. I am going to  
17 ask you to be back outside the courtroom at 2:15 sharp.

18 When you get back, please do not come into  
19 the courtroom until the officer calls for you, but you  
20 are all expected back.

21 In the interim, a couple of instructions,  
22 which if you are selected as jurors you are going to  
23 hear every single time we part company.

24 Please do not discuss this case amongst  
25 yourselves or with anyone else. Please don't go on



1 your phones over lunch and do any independent research  
2 about the case, about the facts of the case, about the  
3 law connected with the case, or about any of the  
4 parties in the case; including Mr. McGriff, the  
5 lawyers, or me.

6 Please don't post any information online  
7 about what you are doing in the case or anything having  
8 to do with the case. And again, there's no discussion  
9 with anyone about anything connected with this matter.

10 All right. So again, we will see you back at  
11 2:15. Again, do not come into the courtroom until you  
12 are called by the officer. Thank you very, very much  
13 for your attention.

14 PROSPECTIVE JUROR: Thank you.

15 (Whereupon, the prospective jury left the  
16 courtroom.)

17 THE COURT: All right, Miss Burke, Judge  
18 Morgenstern needs you for five minutes.

19 MS. BURKE: Judge, you can't get me out of  
20 it?

21 THE COURT: Five minutes or so.

22 If you want to talk for a few minutes, you  
23 know, we will do the challenges right after lunch.  
24 Give you an opportunity to kind of mull them over.

25 MR. MOTTOLA: Sure. The two material witness

1 orders were given to me. I, apparently you need the  
2 Court's -- it's the back page has to be signed by the  
3 Judge.

4 THE COURT: I will see you. Second call. We  
5 will see you at 2:15. All right. Thank you very much.

6 (Whereupon, other business was conducted and  
7 then the case continued.)

8 (Whereupon, luncheon recess is taken, after.  
9 which the proceedings continued as follows:)

10 \* \* \* \* \*

11 **A F T E R N O O N S E S S I O N**

12 \* \* \* \* \*

13 THE COURT: I will give you a chance to talk.  
14 Let me know when both sides are ready.

15 (Whereupon, there was a pause in the  
16 proceedings.)

17 THE COURT: Ready?

18 MS. BURKE: Yes.

19 MR. MOTTOLA: Yes, Judge.

20 THE CLERK: As to seats one through 12,  
21 People, challenges for cause?

22 MR. MOTTOLA: Yes. Number three and number  
23 nine.

24 THE COURT: Let's do them one at a time,  
25 please.

1 MR. MOTTOLA: Sure.

2 THE COURT: Then by number and by name.

3 MR. MOTTOLA: Yes.

4 So number three, Stephen Kelly.

5 THE CLERK: Challenge for cause?

6 THE COURT: Miss Burke.

7 MS. BURKE: You said one through?

8 THE CLERK: One through 12 just for cause.

9 MS. BURKE: Okay.

10 THE CLERK: He is challenging seat number  
11 three for cause.

12 MS. BURKE: Okay. Judge, I don't believe  
13 that... Mr. -- I believe that Mr. Kelly rehabilitated  
14 himself. He is the gentleman who at the bench said the  
15 police left a bad taste at his mouth based on how  
16 unfairly he was treated in Maryland. He had gone to  
17 trial. Case was eventually being dismissed after being  
18 on probation for 18 months.

19 I believe that's the same gentleman we are  
20 referring to. Did say he was treated unfairly by the  
21 police. Didn't like the way they treated him.

22 He also stated he has family members that are  
23 police officers, that he had struggled with it. And  
24 initially the question of whether or not he could be  
25 fair initially. But after thinking about it, even at

1 the bench he seemed to have wavered in his answer about  
2 being biased against the police, towards being that he  
3 could be fair to the police. Because even though he  
4 had not personally had any good interaction with police  
5 personnel from Maryland, he didn't say anything about  
6 NYPD. And he also stated that he has family members  
7 who are police, so I think that he could be fair and  
8 impartial.

9 MR. MOTTOLA: Just briefly, Your Honor.

10 I don't remember the juror number three being  
11 rehabilitated after he said that he could not be fair.  
12 I remember something along the lines of him saying he  
13 could not be fair to the police officers.

14 He did talk about his family members, but I  
15 thought --

16 THE COURT: He said he had relatives, aunts  
17 who are police officers. I asked about relatives who  
18 were on the police force. You didn't mention that. He  
19 said, well I thought you meant only in New York.

20 He indicated specifically here at the bench  
21 he could not be fair. And I don't believe he said  
22 anything that would rehabilitate him, so that challenge  
23 for cause is granted.

24 THE CLERK: Mr. Mottola, what was the other  
25 seat number?



1 MR. MOTTOLA: Number nine, Bernard Baptiste.

2 THE COURT: Go ahead. Make a record.

3 MR. MOTTOLA: Sure.

4 Mr. Baptiste was fine up until the point at  
5 which I think we all realized he said it was majority  
6 rules. I know Your Honor tried to instruct him on the  
7 law. I don't know that, he didn't give me an answer  
8 that assures me that he will not go with the majority  
9 one way or the other.

10 I don't know if the Court would rather try to  
11 rehabilitate him separately, but up until this point  
12 it's our position, at least, he was not clear. Must be  
13 unanimous and he could follow the law.

14 MS. BURKE: No objection.

15 THE COURT: Okay. Cause is granted on  
16 consent.

17 THE CLERK: And, Mr. Mottola, any other  
18 challenges for cause as to seats one through 12?

19 MR. MOTTOLA: No.

20 THE CLERK: Okay. Miss Burke, any challenges  
21 for cause one through 12?

22 MS. BURKE: One moment, Your Honor.

23 THE COURT: Sure.

24 (Whereupon, there was a pause in the  
25 proceedings.)



1 MS. BURKE: No, Your Honor.

2 THE COURT: Okay.

3 THE CLERK: Okay. Mr. Mottola, any  
4 peremptory challenges, seats one through 12?

5 MR. MOTTOLA: Yes. Just juror number, it's  
6 11. Was it Barrow? And juror number 12, Ashley Dunn.  
7 Those two.

8 THE CLERK: Miss Burke, any peremptory  
9 challenges, seats one through 12?

10 MS. BURKE: Yes, Your Honor. Number two,  
11 Lena Tom.

12 (Whereupon, there was a pause in the  
13 proceedings.)

14 MS. BURKE: Number seven, Leena Patel.  
15 Number ten, Jacqueline Fung.

16 THE CLERK: That's it seats one through 12?

17 MS. BURKE: Yes.

18 THE CLERK: Leaves seat number one, Natalie  
19 Nikolayeva will become juror number one. Seat number  
20 four, Morley Bland, will become juror number two.  
21 Seats number five, Sean McGuinness, becomes juror  
22 number three. Seat number six, Luiz Diaz, will become  
23 juror number four. Seat number eight, Jonathan Wilson,  
24 will become juror number five. That's it.

25 As to the next four seats, 13 through 16,

1 People, challenges for cause?

2 MR. MOTTOLA: No.

3 THE CLERK: Okay. Miss Burke, challenges for  
4 cause seats 13 through 16?

5 MS. BURKE: No, Your Honor.

6 THE CLERK: Mr. Mottola, any peremptory  
7 challenges seats 13 through 16?

8 MR. MOTTOLA: No.

9 THE CLERK: And, Miss Burke, any peremptory  
10 challenges seats 13 through 16?

11 MS. BURKE: Number 13, Alexander Gladskiy,  
12 and number 14, David Johnson.

13 THE CLERK: That's it? Okay.

14 That means seat number 15, Brian Bennett,  
15 will become juror number six. And seat number 16,  
16 Chanel Brown, will become juror number seven.

17 MS. BURKE: One moment, Your Honor.

18 (Whereupon, there was a pause in the  
19 proceedings.)

20 MS. BURKE: Judge, can we withdraw our  
21 challenge to number 14?

22 THE CLERK: For number 14.

23 MR. MOTTOLA: Sure.

24 THE CLERK: David Johnson.

25 MS. BURKE: Yes.

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1 THE CLERK: Yes. Sure. Can you make sure?

2 MS. BURKE: Number eight.

3 THE COURT: No. He will be juror number six.

4 THE CLERK: Okay. So the challenge as to  
5 number 14, David Johnson, is withdrawn. And that  
6 person becomes juror number six. Which means Brian  
7 Bennett will be juror number 7.

8 And is it Chanel Brown?

9 THE COURT: Yes.

10 THE CLERK: Will become juror number eight.

11 THE COURT: By the way, Miss Burke, you  
12 withdrew that challenge as to prospective juror number  
13 14 after consultation with your client, correct?

14 MS. BURKE: Yes, Your Honor.

15 THE COURT: Okay.

16 THE CLERK: At the end of round one, the  
17 defense has used four peremptory challenges and the  
18 People have exercised two peremptory challenges.

19 COURT OFFICER: You want the box people  
20 first?

21 THE COURT: Just the box people.

22 But, counsels, come up for just a second.

23 THE CLERK: The front two rows are good.

24 COURT OFFICER: Okay. Thank you.

25 (Whereupon, there was a discussion held at

1 the bench off the record.)

2 COURT OFFICER: Ready, Your Honor?

3 THE COURT: Yes. Thank you.

4 COURT OFFICER: Panel entering.

5 (Whereupon, the prospective jury entered the  
6 courtroom.)

7 THE CLERK: Okay, folks. Please listen up.

8 If I call your name, you have been selected to serve as  
9 jurors in this case. Please remain seated if I call  
10 your name. Have to exchange information with you guys.  
11 If I don't call your names, you will be asked to follow  
12 out.

13 Juror number one, Natalie Nikolayeva.

14 PROSPECTIVE JUROR: Here.

15 THE CLERK: That is juror number one.

16 Juror number two, Morley Bland.

17 Juror number three, Sean McGuinness.

18 Juror number four, Luiz Diaz.

19 Juror number five, Jonathan Wilson.

20 Juror number six, David Johnson.

21 Juror number seven, Brian Bennett.

22 And juror number eight, Chanel Brown.

23 Okay. Those names, please remain seated.

24 If I did not call your name, you are excused  
25 with the thanks of the Court. Please return to the

1 central jury room on the second floor.

2 (Whereupon, the prospective jury left the  
3 courtroom.)

4 THE COURT: All right, ladies and gentlemen,  
5 so you've been selected as the first group of jurors in  
6 this matter. We are going to continue with jury  
7 selection. While we are doing that, I am not going to  
8 ask you to wait around while we do that.

9 Based upon my schedule and continued jury  
10 selection I will, we will not be taking any testimony  
11 tomorrow. I will be asking you to report to the jury  
12 room that you will see in just a few minutes on  
13 Thursday morning at 9:30 promptly. Keep in mind it may  
14 take a little bit of time to get up in the elevators,  
15 so leave yourselves time to get there 9:30 promptly.

16 Before you leave we're going to give you some  
17 information and take some information. We are going to  
18 give you an emergency number where you can call in the  
19 event of a problem. And we are going to ask you for an  
20 emergency contact number where we can reach you,  
21 particularly if you're late, and we will call you and  
22 look for you.

23 So if you give us a cell phone number, please  
24 make sure that when you are in transit coming here that  
25 you leave it on so we can reach you.



1           And as I said, in just a moment you are going  
2           to follow the officer. She will show you the jury room  
3           that you are going to report to each and every day that  
4           you are here. And then on Thursday morning we will  
5           have some opening instructions by the Court, you will  
6           hear openings by the attorneys, and then we will  
7           proceed with testimony in this case.

8           So you actually are seated jurors. You are  
9           now on trial. In the interim I am going to ask you the  
10          same thing as I said before lunch. Please don't  
11          discuss this case amongst yourselves or anyone else.  
12          You may tell family members, employers, etcetera, that  
13          you are seated jurors and when you need to be here, but  
14          beyond that, no discussion about this case with anyone  
15          for any reason. No research online on the internet  
16          about anything having to do with the case or anybody  
17          connected with the case.

18          We will go into more detail on Thursday  
19          morning about why that is so important.

20          When you -- one thing I neglected to say  
21          earlier, when you're coming up in the elevator you may  
22          see some of the attorneys, etcetera. You may see some  
23          of the parties in the elevator. They have been  
24          instructed by me not to speak to you. Not to say good  
25          morning. Not to have any contact with you at all.

1           So if you happen to see them in the elevator  
2           and they don't smile and say hello, they're not being  
3           rude, they're simply following my instructions in that  
4           regard.

5           If I happen to see you, because my robing  
6           room is behind the courtroom, I may see you coming and  
7           going in the morning. I won't be smiling at you  
8           either.

9           And so again, with that, just how to maintain  
10          complete impartiality. That's how it's done.

11          Finally I know it's supposed to be pretty  
12          cold out. On Thursday, if you want to bring some  
13          coffee or tea or bottle of water, something with you to  
14          make yourselves more comfortable while you are sitting  
15          here, by all means feel free to do that.

16          So if you grab your things and follow Officer  
17          Lopez Delis she will show you the jury room. And thank  
18          you so much for your service and we will see you  
19          Thursday morning. Thank you very, very much.

20          JUROR: Thank you.

21          COURT OFFICER: Follow me.

22          (Whereupon, the jury left the courtroom.)

23          COURT OFFICER: Ready, Your Honor?

24          THE COURT: Yes.

25          COURT OFFICER: Jurors entering.

1 (Whereupon, the prospective jury entered the  
2 courtroom.)

3 THE CLERK: Folks, please listen up and step  
4 forward when I call your name. Follow direction of the  
5 court officer as to which seat to sit.

6 Seat number one, Tedgardo Mercene.

7 First name T-E-D-G-A-R-D-O, last name  
8 M-E-R-C-E-N-E.

9 COURT OFFICER: Step up, sir.

10 THE CLERK: Seat number two, Xiang dong Ye.  
11 X-I-A-N-G, last name D-O-N-G, and after that, Y-E.

12 Seat number three, Lena Mikhli.

13 PROSPECTIVE JUROR: Here.

14 THE CLERK: Did I say the last name right?

15 PROSPECTIVE JUROR: Yes.

16 THE CLERK: L-E-N-A, please step up. That's  
17 seat number three. Last name M-I-K-H-L-I.

18 Seat number four, Francesco Stanisci.

19 PROSPECTIVE JUROR: Yes.

20 THE CLERK: F-R-A-N-C-E-S-C-O, last name  
21 S-T-A-N-I-S-C-I.

22 Seat number five, Amani Parker. First name  
23 A-M-A-N-I, P-A-R-K-E-R.

24 Seat number six, Gerard Philip. First name  
25 G-E-R-A-R-D, P-H-I-L-I-P.

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1                   Seat number seven, Matthew Cullum.

2                   M-A-T-T-H-E-W, C-U-L-L-U-M.

3                   Seat number eight, Belquis Payne.

4                   B-E-L-Q-U-I-S, P-A-Y-N-E.

5                   Seat number nine, Tara Cascone. First name  
6                   T-A-R-A, last name C-A-S-C-O-N-E.

7                   Seat number 10, Moser Christopher.

8                   PROSPECTIVE JUROR: Yes.

9                   THE CLERK: Christophe. M-O-S-E-R,  
10                   C-H-R-I-S-T-O-P-H-E.

11                   Seat number 11, Andrea Solstad.

12                   First name A-N-D-R-E-A, S-O-L-S-T-A-D.

13                   Seat number 12, Joseph Weber last name  
14                   W-E-B-E-R-last name. First name Joseph.

15                   Seat number 13, Maya Khamrak.

16                   First name M-A-Y-A, K-H-A-M-R-A-K.

17                   Seat number 14, Darryl Ramsey.

18                   D-A-R-R-Y-L, Ramsey R-A-M-S-E-Y.

19                   Seat number 15, Pauline Stewart.  
20                   P-A-U-L-I-N-E, Stewart S-T-E-W-A-R-T.

21                   Seat number 16, Yung Hsien Ng Tam. Y-U-N-G,  
22                   H-S-I-E-N, N-G, T-A-M.

23                   THE COURT: All right, ladies and gentlemen,  
24                   good afternoon. I am sure you were all listening very  
25                   tentatively this morning, so you have a clear idea

1 about what kinds of questions I am going to ask.

2 So let's start with you, Mr. Mercene, if we  
3 can. Good afternoon.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: What part of Brooklyn do you live  
6 in?

7 PROSPECTIVE JUROR: Canarsie area.

8 THE COURT: How long are you living in  
9 Brooklyn?

10 PROSPECTIVE JUROR: About 22 years.

11 THE COURT: Okay. And your marital status?

12 PROSPECTIVE JUROR: Married.

13 THE COURT: Children?

14 PROSPECTIVE JUROR: Three children.

15 THE COURT: Three.

16 Are you currently working?

17 PROSPECTIVE JUROR: I am working as a nurse.

18 THE COURT: As a nurse.

19 In what kind of setting, a hospital or in  
20 another kind of setting?

21 PROSPECTIVE JUROR: In New York.

22 THE COURT: Which hospital?

23 PROSPECTIVE JUROR: In Brookdale.

24 THE COURT: Okay. You have any specialty,  
25 any special service that you are assigned to?



1 PROSPECTIVE JUROR: Medical surgical.

2 THE COURT: Medical surgical. Okay.

3 And is your spouse currently working?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Doing what?

6 PROSPECTIVE JUROR: She is a nurse, too.

7 THE COURT: Nurse also. Okay.

8 Same hospital?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Okay. Also a medical surgical

11 floor?

12 PROSPECTIVE JUROR: Neonatal.

13 THE COURT: Okay. All right. Thank you.

14 Miss Ye. Hello again.

15 What part of Brooklyn do you live in?

16 PROSPECTIVE JUROR: Bensonhurst.

17 THE COURT: Sorry. You have to speak louder.

18 PROSPECTIVE JUROR: Bensonhurst.

19 THE COURT: And how long are you living in

20 Brooklyn?

21 PROSPECTIVE JUROR: 16 years.

22 THE COURT: 16 years.

23 And are you married?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: We need to hear you, ma'am.

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PROSPECTIVE JUROR: Married.

THE COURT: Married.

Any children?

PROSPECTIVE JUROR: Two.

THE COURT: Okay. And you told us you work  
as a bookkeeper.

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Is your husband working?

PROSPECTIVE JUROR: Yes.

THE COURT: What does he do?

PROSPECTIVE JUROR: Hotel worker.

THE COURT: Sorry?

PROSPECTIVE JUROR: Hotel worker.

THE COURT: Hotel. Okay. Thank you.

Miss Mikhli, hello.

PROSPECTIVE JUROR: Hi.

THE COURT: What part of Brooklyn is home?

PROSPECTIVE JUROR: Midwood.

THE COURT: And how long are you living in  
Brooklyn?

PROSPECTIVE JUROR: Born and raised.

THE COURT: Oh, born and raised. Okay.  
There you go.

And your marital status?

PROSPECTIVE JUROR: Single.

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THE COURT: Any children?

PROSPECTIVE JUROR: No.

THE COURT: Are you currently working?

PROSPECTIVE JUROR: Yes. I am a respiratory therapist.

THE COURT: Okay. Thank you.

Mr. Stanisci, hello again.

What part of Brooklyn is home?

PROSPECTIVE JUROR: Dyker Heights. 44 years.

THE COURT: Okay.

PROSPECTIVE JUROR: Married, three kids, four grandchildren. I am retired as a medical engineer. My wife, she's an educational consultant.

THE COURT: Thank you very much. Okay.

PROSPECTIVE JUROR: You are welcome.

(Whereupon, there was laughter in the courtroom.)

THE COURT: Miss Parker, the pressure's on. Okay.

(Whereupon, there was laughter in the courtroom.)

THE COURT: What part of Brooklyn do you live in?

PROSPECTIVE JUROR: East New York.

THE COURT: And how long are you living in

1 Brooklyn?

2 PROSPECTIVE JUROR: My whole life.

3 THE COURT: Okay. And your marital status?

4 PROSPECTIVE JUROR: Single.

5 THE COURT: Any children?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay. And are you currently  
8 working?

9 PROSPECTIVE JUROR: No.

10 THE COURT: In school?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. What are you -- what was  
13 the last job you had, or what are you trained to do,  
14 that kind of thing.

15 PROSPECTIVE JUROR: My last job I worked at  
16 Burlington. I just stopped working there, what was it,  
17 like last week.

18 THE COURT: Okay. Right in time for the  
19 Christmas rush.

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: All right. Thank you.

22 Mr. Philip, hello.

23 PROSPECTIVE JUROR: How you doing?

24 THE COURT: I am well. Thank you.

25 What part of Brooklyn do you live?

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1 PROSPECTIVE JUROR: Crown Heights.

2 THE COURT: Sorry?

3 PROSPECTIVE JUROR: Crown Heights.

4 THE COURT: And how long are you living in  
5 Brooklyn?

6 PROSPECTIVE JUROR: 21 years.

7 THE COURT: Okay. And your marital status?

8 PROSPECTIVE JUROR: Single.

9 THE COURT: Any children?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. And are you currently  
12 working?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR: Car service technician,  
16 as well as a recording engineer.

17 THE COURT: Recording engineer. Okay.

18 So that would be like in the music field,  
19 etcetera.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Great. Thank you.

22 Mr. Cullum, how are you, sir?

23 PROSPECTIVE JUROR: Well thanks.

24 THE COURT: Good.

25 What part of Brooklyn do you live?

VdV



1 PROSPECTIVE JUROR: Williamsburg.

2 THE COURT: How long are you living in the  
3 borough?

4 PROSPECTIVE JUROR: Six years.

5 THE COURT: Okay. Before that?

6 PROSPECTIVE JUROR: Queens.

7 THE COURT: Oh, Queens. Okay. All right.

8 Close.

9 And your marital status?

10 PROSPECTIVE JUROR: Married.

11 THE COURT: Any children?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Are you currently working?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR: I am sales at an

17 investment bank.

18 THE COURT: And is your spouse working

19 outside?

20 PROSPECTIVE JUROR: Yes. She is in sales.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: At Facebook.

23 THE COURT: Okay. Thank you.

24 Miss Payne, hello.

25 PROSPECTIVE JUROR: Hello.

1 THE COURT: What part of Brooklyn do you come  
2 from?

3 PROSPECTIVE JUROR: Midwood.

4 THE COURT: Okay. And how long are you  
5 living in Brooklyn?

6 PROSPECTIVE JUROR: Eight years.

7 THE COURT: Before that?

8 PROSPECTIVE JUROR: Staten Island.

9 THE COURT: Oh. Okay. We New Yorkers tend  
10 to stick around, right?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Your marital status?

13 PROSPECTIVE JUROR: Separated.

14 THE COURT: Separated.

15 Children?

16 PROSPECTIVE JUROR: One.

17 THE COURT: Okay. And are you currently  
18 working?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR: Call center  
22 representative at DeWitt 311.

23 THE COURT: Oh, okay. So you are the person  
24 who gives us all the information about where, who to  
25 call and where else to file the complaints.

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Got it. Okay.

3 Is your ex-partner working, do you know?

4 PROSPECTIVE JUROR: I don't know.

5 THE COURT: Okay. Thank you for that.

6 Miss Cascone, hello again. What part of  
7 Brooklyn do you live?

8 PROSPECTIVE JUROR: Bensonhurst.

9 THE COURT: And how long in Brooklyn?

10 PROSPECTIVE JUROR: All my life.

11 THE COURT: Lifer. Okay.

12 And your marital status?

13 PROSPECTIVE JUROR: Single.

14 THE COURT: Any children?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. And I know you told us you  
17 work as a substitute paraprofessional.

18 PROSPECTIVE JUROR: In the Department of  
19 Education.

20 THE COURT: Is there any particular  
21 population of kids that you work with?

22 PROSPECTIVE JUROR: Hispanic and Asian.

23 THE COURT: Is it, are there, you are a para  
24 because language issue or other issues?

25 PROSPECTIVE JUROR: Various. Language. You

1 know, emotional. A bunch of different --

2 THE COURT: Issues the children have to  
3 contend with.

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Okay. Thank you.

6 Mr. Christophe, hello.

7 PROSPECTIVE JUROR: Hi.

8 THE COURT: What part of Brooklyn you live  
9 in?

10 PROSPECTIVE JUROR: Clinton Hill.

11 THE COURT: And how long are you living in  
12 Brooklyn?

13 PROSPECTIVE JUROR: Ten years.

14 THE COURT: And your marital status, sir?

15 PROSPECTIVE JUROR: Married.

16 THE COURT: Any children?

17 PROSPECTIVE JUROR: One.

18 THE COURT: And are you currently employed?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR: Fashion designer.

22 THE COURT: Now I will have to be really  
23 careful about how I show up each day.

24 (Whereupon, there was laughter in the  
25 courtroom.)

1 THE COURT: All right. And is your spouse  
2 working outside the home, too?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Doing what?

5 PROSPECTIVE JUROR: Advertising.

6 THE COURT: Okay. Thank you.

7 Miss Solstad, good afternoon.

8 PROSPECTIVE JUROR: Good afternoon.

9 THE COURT: What part of Brooklyn do you live  
10 in?

11 PROSPECTIVE JUROR: Clinton Hill.

12 THE COURT: I will just ask again everybody  
13 to keep your voices up if you can so everyone can hear  
14 you in the courtroom.

15 How long are you living in Brooklyn?

16 PROSPECTIVE JUROR: Lifer.

17 THE COURT: A lifer. Okay.

18 And your marital status?

19 PROSPECTIVE JUROR: I have a boyfriend.

20 THE COURT: Okay. And children?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Okay. Are you currently working?

23 PROSPECTIVE JUROR: No, I am not.

24 THE COURT: Okay. What are you -- what was  
25 your last position and what are you looking to do,



1 trained to do, that kind of thing.

2 PROSPECTIVE JUROR: I am an artist but I work  
3 as a seamstress.

4 THE COURT: Okay. Miss Solstad, meet  
5 Mr. Christophe.

6 (Whereupon, there was laughter in the  
7 courtroom.)

8 THE COURT: And is your boyfriend working as  
9 well?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Doing what?

12 PROSPECTIVE JUROR: He is a journalist.

13 THE COURT: Okay. Thank you.

14 Mr. Weber, good afternoon, sir.

15 What part of Brooklyn do you live in?

16 PROSPECTIVE JUROR: Williamsburg.

17 THE COURT: And how long are you living in  
18 Brooklyn?

19 PROSPECTIVE JUROR: Whole life.

20 THE COURT: Okay. And are you married, sir?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Children?

23 PROSPECTIVE JUROR: Four children.

24 THE COURT: Are you currently working?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What do you do?

2 PROSPECTIVE JUROR: Sell cleaning supplies.

3 THE COURT: Okay. Is your spouse working  
4 outside the home?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Thank you.

7 Miss Khamrak, hello.

8 What part of Brooklyn do you live in?

9 PROSPECTIVE JUROR: East New York.

10 THE COURT: And how long are you living in  
11 Brooklyn?

12 PROSPECTIVE JUROR: 19 years.

13 THE COURT: Okay. And your marital status?

14 PROSPECTIVE JUROR: Single.

15 THE COURT: Single.

16 Any children?

17 PROSPECTIVE JUROR: Two.

18 THE COURT: Okay. Are you currently working?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR: Home care agency.

22 THE COURT: Okay. Thank you.

23 Mr. Ramsey, how are you, sir?

24 PROSPECTIVE JUROR: I am all right.

25 THE COURT: Good.

1 What part of Brooklyn do you call home?

2 PROSPECTIVE JUROR: Kensington.

3 THE COURT: Sorry?

4 PROSPECTIVE JUROR: Kensington.

5 THE COURT: How long are you living in this  
6 fair borough?

7 PROSPECTIVE JUROR: I have been living in  
8 Brooklyn most of my life.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR: Married.

11 THE COURT: Children?

12 PROSPECTIVE JUROR: Three.

13 THE COURT: Okay. Are you currently working?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR: New York City Transit  
17 supervisor.

18 THE COURT: Okay. Is your spouse working  
19 outside the home?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Thank you.

22 Miss Stewart, good afternoon.

23 PROSPECTIVE JUROR: Good afternoon.

24 THE COURT: What part of Brooklyn do you live  
25 in?

1 PROSPECTIVE JUROR: Canarsie.

2 THE COURT: And your marital status?

3 PROSPECTIVE JUROR: Married.

4 THE COURT: How long you living in Brooklyn  
5 by the way?

6 PROSPECTIVE JUROR: 29 years.

7 THE COURT: Any children?

8 PROSPECTIVE JUROR: One and one grandson.

9 THE COURT: Okay. Wonderful. That's the  
10 good stuff, right?

11 Are you currently employed?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR: I am a accountant --

15 THE COURT: Accountant.

16 PROSPECTIVE JUROR: ACS.

17 THE COURT: Okay.

18 MS. BURKE: Sorry, Judge. Hear.

19 THE COURT: An accountant at --

20 PROSPECTIVE JUROR: ACS.

21 THE COURT: Is your spouse working outside  
22 the home?

23 PROSPECTIVE JUROR: Yes. Plumbing.

24 THE COURT: Just as an aside, Miss Stewart,  
25 in your capacity working at ACS, do you have occasion



1 to testify in court?

2 PROSPECTIVE JUROR: No.

3 THE COURT: No. Okay. All right. Thank  
4 you.

5 Miss Hsien, hello again.

6 What part of Brooklyn are you living in?

7 PROSPECTIVE JUROR: Bensonhurst.

8 THE COURT: And how long are you in Brooklyn?

9 PROSPECTIVE JUROR: I've been here off and  
10 on, but recently two years.

11 THE COURT: Okay. Where did you live before  
12 that?

13 PROSPECTIVE JUROR: Netherlands.

14 THE COURT: Your marital status?

15 PROSPECTIVE JUROR: Single. No kids.

16 THE COURT: Okay. And we did discuss work.  
17 Just if you could remind me and just tell the attorneys  
18 again what do you do for a living?

19 PROSPECTIVE JUROR: I work at a temp agency  
20 long term now as an assistant.

21 THE COURT: Okay. Thank you very much.

22 All right. So again I am going to ask some  
23 questions of you as a group. If the answer is yes,  
24 just raise your hand. We will get to everybody. If  
25 there is something you like to speak more privately



1 about, by all means let me know. We will have you come  
2 up and speak at the bench.

3 Have any of you or any members of your family  
4 ever worked for the New York City Police Department,  
5 the Court system or the District Attorney's Office?

6 All right. So, Mr. Cullum, let's start with  
7 you.

8 PROSPECTIVE JUROR: Yeah. I have a  
9 sister-in-law currently works for the NYPD,  
10 father-in-law who chief of police NYPD. Just retired a  
11 few years ago. And also a mother-in-law. Retired  
12 lieutenant NYPD.

13 THE COURT: So your father-in-law retired  
14 chief.

15 PROSPECTIVE JUROR: (Indicating).

16 THE COURT: Your sister in-law's currently on  
17 the job doing assigned where, do you know?

18 PROSPECTIVE JUROR: A sergeant either the 9th  
19 or the 19th upper east side.

20 THE COURT: Okay. How long ago, if you know,  
21 did your father-in-law and your mother-in-law retire?

22 PROSPECTIVE JUROR: Father-in-law I think it  
23 was five years, and mother-in-law probably eight.

24 THE COURT: Okay. Do they talk about their  
25 work?

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Is there anything in either of  
3 the fact that they were or are police officers that any  
4 of the anecdotes they might have told you about the  
5 discussions or just the fact they do this job, anything  
6 surrounding that that would affect your ability to be  
7 fair and impartial here?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. All right. Thank you.

10 Miss Parker, I think you had your hand up.

11 PROSPECTIVE JUROR: You said worked for NYPD.

12 THE COURT: Either NYPD, the courts or the  
13 District Attorney's Office.

14 PROSPECTIVE JUROR: My mother is a 911  
15 operator.

16 THE COURT: Okay. How long has she been  
17 doing that?

18 PROSPECTIVE JUROR: Like over 15 years.

19 THE COURT: Do you talk with her about her  
20 work or does she talk to you about her work?

21 PROSPECTIVE JUROR: Occasionally.

22 THE COURT: Okay. Is there anything in the  
23 fact she, the job she does, what she might have said  
24 about it or about her experiences that would affect  
25 your ability to be fair and impartial here?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Okay. Okay. Thank you.

3 Anybody else? Miss Cascone.

4 PROSPECTIVE JUROR: Yes. My father's a  
5 retired Correction officer for Rikers Island.

6 THE COURT: City or state?

7 PROSPECTIVE JUROR: City.

8 My grandfather was a retired sergeant for  
9 NYPD.

10 THE COURT: Let's start with your dad.

11 How long ago did he retire from Corrections?

12 PROSPECTIVE JUROR: 2008. I think it was  
13 2007.

14 THE COURT: How about your grandfather?

15 PROSPECTIVE JUROR: Many years ago.

16 THE COURT: Many years ago. Okay.

17 Did they talk about their work with you?

18 PROSPECTIVE JUROR: Not currently, but in the  
19 past.

20 THE COURT: In the day.

21 PROSPECTIVE JUROR: Yeah, in the day.

22 THE COURT: Okay. Is there anything in the,  
23 either what they talked to you about, their  
24 experiences, stories they might have told you, things  
25 that have come up that would affect your ability to be

1 fair and impartial here?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Thank you for that.

4 Anybody else?

5 All right. So, as I said earlier, because  
6 this is a criminal case, police officers are involved.  
7 And there will be testimony from police officers as  
8 well as civilians. In a trial, a police officer is  
9 just like any other witness. And their testimony gets  
10 no greater weight, no less weight than any other kind  
11 of witness, if you will.

12 Is there anyone here who could not treat a  
13 police officer like any other witness?

14 (Whereupon, there was a pause in the  
15 proceedings.)

16 THE COURT: No. Okay.

17 Have any of you -- indicating none, by the  
18 way.

19 Have any of you or any members of your family  
20 ever been the victim of a crime?

21 Okay. Miss Payne.

22 PROSPECTIVE JUROR: Yes. I was a victim of a  
23 crime.

24 THE COURT: Are you comfortable sitting there  
25 and discussing it or would you prefer to come up?

1 PROSPECTIVE JUROR: I am comfortable  
2 discussing it.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: I was on the bus one  
5 time, and a sex offender, a registered sex offender he  
6 had his, um, he exposed himself. He was rubbing up  
7 against my back and then other people saw him and then  
8 the police came, he got arrested. And there was a  
9 restraining order or order of protection.

10 THE COURT: Order of protection.

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Was this here in Brooklyn?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And about how long ago?

15 PROSPECTIVE JUROR: Five years ago.

16 THE COURT: Did the case ever go to trial?

17 PROSPECTIVE JUROR: I didn't follow up with  
18 it. It was like the district attorney, they did  
19 everything. I never really followed up with it or  
20 nothing like that.

21 THE COURT: Okay. Was there -- very  
22 regrettable that this happened to you.

23 Is there anything in the experience, the  
24 experience itself, whether your interaction with the  
25 police, with the assistant district attorney, anything



1 at all in that entire episode that would affect your  
2 ability to be fair and impartial here?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Okay. Thank you for that.

5 Couple of other hands.

6 Miss Cascone.

7 PROSPECTIVE JUROR: Yes. I got robbed last  
8 week.

9 THE COURT: Last week?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Oy.

12 PROSPECTIVE JUROR: It wasn't reported,  
13 though. I had left my bag outside of the school. I  
14 was working, where I work, I had not realized I left it  
15 there. I went back. They stole my money and my  
16 MetroCards, my wallet.

17 THE COURT: Was this here in Brooklyn?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Did you report it to the police?

20 PROSPECTIVE JUROR: No.

21 THE COURT: So this was taken. You were not  
22 outside when whoever it was took it?

23 PROSPECTIVE JUROR: I was, but I had already  
24 left it. I rounded the corner. Once I realized I left  
25 it, I came back and it was gone.

1 THE COURT: Okay. Is there anything in that  
2 circumstance that would affect your ability to be fair  
3 and impartial here?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. Thank you for that.  
6 That's unfortunate.

7 Anybody else?

8 Miss Solstad.

9 PROSPECTIVE JUROR: I was harassed on the  
10 subway and followed home. And then he ran after me and  
11 I ended up having to stop a car to take me home. But  
12 he was mentally disturbed.

13 THE COURT: Was that here in Brooklyn?

14 PROSPECTIVE JUROR: Yeah. On the G train.

15 THE COURT: About how long ago?

16 PROSPECTIVE JUROR: About two years ago.

17 THE COURT: When you said you stopped the  
18 car, were the police notified?

19 PROSPECTIVE JUROR: So that night it was late  
20 at night, there was a car coming down Lafayette. I was  
21 running. I realized that I was going opposite my house  
22 so I stopped a car and I said, you have to take me home  
23 because the man was across the street. And he was  
24 yelling at me. And the man took me home but my phone  
25 was dead at that time.

1 I went the next day to the precinct to make a  
2 report. They said, well why don't you call the cops  
3 last night? I said I couldn't. And then they said,  
4 well technically that's not our precinct so we can't  
5 really take the report for you.

6 At that time I was at the, at this point just  
7 could not, you know, I was like, can I talk to anyone  
8 here? They said we will just send the report over.  
9 Then it was kind of a runaround.

10 THE COURT: So we will start with the  
11 important part. You were not injured.

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Good.

14 Was there... was there anything in the,  
15 either the experience, or as you eluded to your  
16 interaction with the officers in that precinct,  
17 anything that would affect your ability to be fair and  
18 impartial here?

19 PROSPECTIVE JUROR: I would say my experience  
20 was frustrating. Hopefully not, definitely an  
21 exception, so I would say no.

22 THE COURT: Okay. Thank you for that.

23 Anybody else? Miss Tam.

24 PROSPECTIVE JUROR: Was by my sister. She  
25 was mugged and beaten in the Bronx.

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THE COURT: Was she injured?

PROSPECTIVE JUROR: She was, but she refused to go to the doctor, so.

THE COURT: Do you know if she called the police?

PROSPECTIVE JUROR: I believe she did file a report but nothing came of it.

THE COURT: How long ago was this?

PROSPECTIVE JUROR: It was like five years.

THE COURT: Five years ago. Okay.

Is there anything in the, in what you know of her experience that would affect your ability to be fair and impartial here?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Thank you.

Anybody else? Okay.

Have any of you or any members of your family ever been arrested or convicted of a crime?

Okay. Miss Payne.

PROSPECTIVE JUROR: One of my cousins she had, she was arrested for an assault.

THE COURT: Do you know was that here in Brooklyn?

PROSPECTIVE JUROR: I believe it was in the Bronx.

1 THE COURT: Okay. Do you know how long ago  
2 that was?

3 PROSPECTIVE JUROR: I would say seven years  
4 ago.

5 THE COURT: Do you know what happened with  
6 her case?

7 PROSPECTIVE JUROR: I don't know. But I do  
8 know she served four months in Rikers Island.

9 THE COURT: Did you go up to the Bronx to  
10 watch any of the court proceedings?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Anything like that?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Did you visit her when --

15 PROSPECTIVE JUROR: I was in Egypt at the  
16 time. I didn't find out about it until after.

17 THE COURT: Is there anything in what the  
18 family told you about the whole incident that would  
19 affect your ability to be fair and impartial here?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Thank you.

22 Mr. Ramsey, I think you had your hand up.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Yes.

25 PROSPECTIVE JUROR: My older brother. He got



1 in trouble a few times.

2 THE COURT: Was that here in Brooklyn?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: About how long ago, Mr. Ramsey?

5 PROSPECTIVE JUROR: The first time back in  
6 the late '70s and the second time I think late '80s.

7 THE COURT: Do you remember what the cases  
8 involved?

9 PROSPECTIVE JUROR: I think it was robbery  
10 first one, and I think the second one was some type of  
11 domestic abuse or fight. Something like that.

12 THE COURT: Was he incarcerated at any time?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Upstate?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: The first time or the second  
17 time?

18 PROSPECTIVE JUROR: Both.

19 THE COURT: Both?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: Okay. And there's been nothing  
22 since the last one?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Did you come to court to  
25 watch any of the court proceedings?

1 PROSPECTIVE JUROR: Nah. I was young.

2 THE COURT: Okay. Did you ever go visit him  
3 when he was upstate? The family go to see him?

4 PROSPECTIVE JUROR: I think so.

5 THE COURT: Is there anything in either what  
6 you remember of those events or what your family might  
7 have said, what he said about either or both of those  
8 experiences that would affect your ability to be fair  
9 and impartial here?

10 PROSPECTIVE JUROR: No.

11 THE COURT: I am sorry?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Let me just, I am not sure if I  
14 heard you correctly. Asked if there is anything that  
15 would affect your ability to be fair and impartial.  
16 You didn't say I don't know.

17 PROSPECTIVE JUROR: I said no.

18 THE COURT: Oh, you said no. Okay. Thank  
19 you.

20 PROSPECTIVE JUROR: Mmm-hmm.

21 THE COURT: Just check on that. Okay. Thank  
22 you for sharing that.

23 Anybody else? Okay.

24 Have any of you ever served on a jury before?  
25 Mr. Ramsey, civil, criminal.

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PROSPECTIVE JUROR: Civil.

THE COURT: About how long ago?

PROSPECTIVE JUROR: It was a while ago. Six  
years.

THE COURT: That's about right.

PROSPECTIVE JUROR: Yeah.

THE COURT: Did the jury deliberate and reach  
a verdict?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Was there anything about  
that experience that would affect your ability to be  
fair and impartial here?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Thank you.  
Miss Stewart.

PROSPECTIVE JUROR: Criminal case.

THE COURT: Criminal case. Here in Brooklyn?

PROSPECTIVE JUROR: Yes. 2006 I think.

THE COURT: Sorry?

PROSPECTIVE JUROR: 2006.

THE COURT: Okay. Do you remember what kind  
of case it was?

PROSPECTIVE JUROR: Domestic.

THE COURT: Domestic violence.

PROSPECTIVE JUROR: I think it was domestic

1 violence.

2 THE COURT: Okay. Without telling us the  
3 outcome, did the jury deliberate and reach a verdict?

4 PROSPECTIVE JUROR: Mistrial.

5 THE COURT: Mistrial.

6 Was it a mistrial because they could not  
7 agree or was there --

8 PROSPECTIVE JUROR: Two of us could not  
9 agree.

10 THE COURT: Okay. Is there anything in your  
11 experience as a juror on that case that would affect  
12 your ability to be fair and impartial here?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Okay. Thank you.

15 Anybody else? Prior jury service? Okay.

16 And finally, at the end of the trial I am  
17 going to explain the law to all of you, or to the  
18 jurors as it applies in this case. And if you are  
19 selected as a juror, you're required to follow the law  
20 as I give it to you, whether you agree with it or not.

21 Anyone among you who could not do that?

22 Indicating none.

23 Okay. Well that concludes my questions. And  
24 the attorneys will now have an opportunity to ask you  
25 some questions. We will start with Mr. Mottola.



1                   Reminder it's 15 and 15.

2                   MR. MOTTOLA: Yes. Thank you, Judge.

3                   THE COURT: Do you need the five minute just  
4 in case if we get there?

5                   MR. MOTTOLA: Sure.

6                   Good afternoon, everyone. You heard most of  
7 my questions this morning. Many of them are going to  
8 be the same. So, before I start talking to you about  
9 what I asked the first panel, if anyone heard anything  
10 this morning that you want to comment on, you can just  
11 raise your hand and let me know. If there is something  
12 that you feel makes you a bad juror in this case, or if  
13 there's something want to bring to our attention, just  
14 raise your hand. Okay.

15                  I want to start with what I told the jury  
16 this morning. You are not going to hear from the  
17 victim in this case, right. The person that allegedly  
18 was stabbed. Okay. You will hear from other civilians  
19 that were there and you will hear from police officers  
20 and you will see some videos of the incident. But you  
21 are not going to hear from the victim.

22                  Is that a problem for anyone as they're  
23 sitting here now just say you know what, I have to hear  
24 from the victim. Anybody?

25                  Mr. Mercene, you are okay with that?



1 may not get answers to any of those questions. That  
2 would be an issue for you?

3 PROSPECTIVE JUROR: Yeah. I think it would.

4 MR. MOTTOLA: Okay. Miss Solstad.

5 PROSPECTIVE JUROR: So if there were no  
6 witnesses, there wouldn't be a case?

7 MR. MOTTOLA: I mean, right. I mean  
8 hypothetically in another case if there were no  
9 witnesses and a crime happened, then the victim was not  
10 cooperative, the case would not go forward. But that's  
11 not -- I want to keep you focused on the incident here.  
12 I will go into more detail with you.

13 You will hear from at least one civilian  
14 witness who was an eyewitness to the incident. You  
15 will see at least one surveillance video showing  
16 something happening on the street involving an  
17 altercation. Allegedly the defendant and this other  
18 person. And you'll hear from police officers that  
19 responded pretty much a short period of time to that  
20 crime scene.

21 So, you will be hearing evidence especially  
22 from at least one eyewitness. Do you understand? So  
23 it's not a situation where you don't have an eyewitness  
24 like you posed to me.

25 Would that be an issue that if you do not

1 hear from the victim for you, or could you still treat  
2 the evidence, could you look at the evidence, make a  
3 decision one way or the other without hearing from that  
4 person?

5 PROSPECTIVE JUROR: That's a difficult  
6 question.

7 MR. MOTTOLA: Right.

8 THE COURT: Here's the thing. As Mr. Mottola  
9 said, there's no specific requirement that the D.A.  
10 prove their case in any particular way. As long as the  
11 district attorney presents sufficient evidence that you  
12 find credible and believable, that convinces all 12  
13 jurors beyond a reasonable doubt of each element of the  
14 crime.

15 Now it may be that the complaining witness  
16 will testify, it may be that the complaining witness  
17 will not testify. And it would be your obligation as  
18 jurors, if you were selected, to evaluate the evidence  
19 that you do have before you basically to see if it's  
20 sufficient to meet their burden.

21 But the question is, that for some people  
22 without the complaining witness necessarily they're, no  
23 matter what else the district attorney might present  
24 that you could never, you could never vote to convict  
25 somebody if you didn't have the complaining witness

1           there.

2                       So I believe that's essentially what  
3       Mr. Mottola's trying to find out.

4           MR. MOTTOLA:   Right.

5           THE COURT:   So, Mr. Mercene, are you telling  
6       us that no matter what other evidence there is,  
7       assuming that you find it to be credible and you  
8       believe it, etcetera, that no matter what, without the  
9       complaining witness physically in court testifying, you  
10      could never vote to convict.

11                       Is that what you are saying?

12           PROSPECTIVE JUROR:   Yes.

13           THE COURT:   Mmm-hmm.

14           MR. MOTTOLA:   Mr. Ramsey, same question.

15           PROSPECTIVE JUROR:   I am kind of like in  
16      between.   I just yes.   I would say yes.

17           MR. MOTTOLA:   Yes, you could?

18           PROSPECTIVE JUROR:   I couldn't.

19           THE COURT:   You could not.

20           PROSPECTIVE JUROR:   No.

21           THE COURT:   Under any circumstances?

22           PROSPECTIVE JUROR:   No.   I couldn't.

23           THE COURT:   Okay.

24           MR. MOTTOLA:   And Miss Solstad.

25                       Just so I can clarify so I can understand

1 you, sir, and you also. Just you will hear from people  
2 that are going to get up into this chair and they are  
3 going to swear to tell the truth. They are going to  
4 tell you that they were on the street this day and  
5 maybe they saw certain events happen.

6 You will also have an opportunity to review  
7 or at least see one video taken from the street from a  
8 camera and you will hear from police officers. You may  
9 hear from other eyewitnesses as well. Okay.

10 So even if you believe all those people and  
11 you watch the video, you make your own assessment of  
12 what you see, you are saying you would still need the  
13 victim himself to be here.

14 PROSPECTIVE JUROR: I would like to hear  
15 their side of the story, the victim. Yes.

16 MR. MOTTOLA: Miss Solstad.

17 PROSPECTIVE JUROR: Hard to say there is an  
18 objective truth without hearing both.

19 MR. MOTTOLA: That's something Miss Burke  
20 touched on when she spoke to the first panel also.  
21 There is no obligation you hear from anyone on the  
22 defense side. The burden is entirely mine. So, you  
23 might not hear from the victim. You might also never  
24 hear from Mr. McGriff.

25 And do you understand that that's not like



1 the burden is on me to prove my case.

2 Do you understand that?

3 PROSPECTIVE JUROR: Yes.

4 MR. MOTTOLA: Are you comfortable with that?

5 You have to understand that principle if you  
6 are going to be a juror in this case.

7 MS. BURKE: Judge, objection. And permission  
8 to approach.

9 THE COURT: Come on up.

10 (Whereupon, there was a discussion held at  
11 the bench off the record.)

12 THE COURT: All right. The objection is  
13 sustained.

14 Ladies and gentlemen, let me clarify for you  
15 just one point. That we are not equating whether the  
16 complaining witness testifies with whether or not  
17 Mr. McGriff chooses to testify. The burden is always  
18 on the People to prove the case beyond a reasonable  
19 doubt. Mr. McGriff and his attorneys have no burden to  
20 do anything at all. They can present evidence if they  
21 choose. They don't have to. He can decide if he  
22 wishes to, to testify.

23 He is under no obligation at all to testify.  
24 And again, should he choose not to do that, you may not  
25 hold that against him. Under the law you may not hold



1 that against him in any way.

2 Does everybody understand that? Anyone who  
3 is not clear about that?

4 All right. Continue, counsel.

5 MR. MOTTOLA: Okay. So I am going to move on  
6 just outside of the three jurors that I was speaking  
7 to.

8 Does anyone else, everyone else is okay with  
9 the concept you will not hear from the victim in this  
10 case? Everyone could be fair and listen to the other  
11 witnesses? Everyone can do that? Okay.

12 So now is it Miss Payne?

13 PROSPECTIVE JUROR: Yes.

14 MR. MOTTOLA: I want to talk to you --

15 THE COURT: Five minutes.

16 MR. MOTTOLA: Sure.

17 The incident briefly when you were on the  
18 bus, without going into too many details, but when you  
19 first noticed that this stranger was doing whatever it  
20 was he was doing, what did you do?

21 PROSPECTIVE JUROR: Well someone had tapped  
22 me on the shoulder 'cause I totally didn't know what  
23 was going on. It was a crowded bus. So she tapped me  
24 on the shoulder. Told me what happened. I didn't see  
25 anything at all actually.

1 MR. MOTTOLA: Okay.

2 PROSPECTIVE JUROR: It was a lot of people  
3 who saw it happening. I didn't actually see it happen,  
4 but I did see the person who did it.

5 MR. MOTTOLA: Okay. Did you tell the bus  
6 driver?

7 PROSPECTIVE JUROR: Yes.

8 MR. MOTTOLA: Did you change your seat?

9 PROSPECTIVE JUROR: Well the bus driver  
10 stopped so the police could come. They arrested him.

11 MR. MOTTOLA: Okay. There was no physical  
12 contact with you and that person outside of the  
13 incident?

14 PROSPECTIVE JUROR: Correct.

15 MR. MOTTOLA: Okay. Were other passengers on  
16 the bus doing anything to this person?

17 PROSPECTIVE JUROR: They didn't, um, assault  
18 him or anything. They didn't do anything really.

19 MR. MOTTOLA: Okay. Miss Solstad, your  
20 incident you mentioned, I think the person was  
21 following you and they were, you mentioned something  
22 about their mental state.

23 PROSPECTIVE JUROR: He was very agitated and  
24 walking up and down the subway car and yelling. I had  
25 my headphones on. Started screaming at me in

1 particular. I would walk away. There was like some  
2 people in like the far right who didn't really do  
3 anything. I didn't really know what to do. I got off  
4 the next stop, then he followed me from there.

5 MR. MOTTOLA: Then at that point it  
6 escalated, right? You made it out of the subway.

7 PROSPECTIVE JUROR: Right.

8 MR. MOTTOLA: These are all the different  
9 things you did to get away from this person.

10 PROSPECTIVE JUROR: Correct.

11 MR. MOTTOLA: Okay. Just a couple of other  
12 things, ladies and gentlemen.

13 You are going to hear from people you don't  
14 know. The police officers you don't know. Any  
15 civilians who testify, you don't know any of them.  
16 They're going to come in here, they are going to swear  
17 to tell the truth. They're going to tell you what they  
18 remember to the best of their ability.

19 But your job, if you are picked, is going to  
20 be, you might have to compare different versions of  
21 events, right? How do you determine credibility of a  
22 witness? I want to just go into this briefly.

23 Is it Mr. Stanisci? Let's say you meet  
24 someone on the train. They're asking you, you know,  
25 they give you your routine about they're homeless there



1 or that they need a dollar. How do you determine  
2 whether or not this guy is homeless or his story is  
3 true? He is a stranger.

4 PROSPECTIVE JUROR: Right.

5 MR. MOTTOLA: What type of skills do you use  
6 determining whether someone's telling you the truth?

7 PROSPECTIVE JUROR: Depends on, you know, the  
8 way he's dressed, the way he approaches, the way he  
9 speaks. And many times I just give the dollar anyway.

10 MR. MOTTOLA: Right. Okay.

11 Who has kids? Actually, Mr. Ramsey, you have  
12 three children. They're older now.

13 PROSPECTIVE JUROR: Yes.

14 MR. MOTTOLA: Okay. When they were younger  
15 did they ever get into any kind of fights?

16 PROSPECTIVE JUROR: Not really.

17 MR. MOTTOLA: Okay. Well fine.

18 Did they ever make a mess in the house?

19 PROSPECTIVE JUROR: Of course.

20 MR. MOTTOLA: Of course. Maybe  
21 hypothetically you hear a noise in the kitchen, you run  
22 inside. You see the cookie jar or some equivalent  
23 broken. You ask your kids what happened. Maybe you  
24 get two versions of events.

25 How do you determine which child is telling

1 the truth? What kind of skills do you use?

2 PROSPECTIVE JUROR: They both did it. If  
3 nobody man up, they both did it.

4 (Whereupon, there was laughter in the  
5 courtroom.)

6 MR. MOTTOLA: I like it.

7 Anyone else? Okay.

8 (Whereupon, there was laughter in the  
9 courtroom.)

10 MR. MOTTOLA: What if they both said neither  
11 of us did it. A raccoon did it, daddy.

12 PROSPECTIVE JUROR: That's even worse.

13 MR. MOTTOLA: Because a raccoon couldn't have  
14 done it.

15 PROSPECTIVE JUROR: Right. Now you, now you  
16 messing with my intelligence.

17 MR. MOTTOLA: How do you know that?

18 PROSPECTIVE JUROR: There is no raccoon  
19 running around my house.

20 MR. MOTTOLA: You have to use your common  
21 sense. Everybody understands that makes you a good  
22 juror. You all promise to do that? All right.

23 Thank you for your time.

24 THE COURT: Okay. Thank you.

25 Mr. Wittwer.



1 MR. WITTWER: Yes, Your Honor. Please give  
2 me a five minute warning as well.

3 THE COURT: There you go.

4 MR. WITTWER: Good afternoon, everyone.

5 PROSPECTIVE JUROR: Good afternoon.

6 MR. WITTWER: I represent Lawrence McGriff.  
7 Miss Burke.

8 I know you all sort of watched the other  
9 group do this. I just want to remind you really is  
10 important you speak up and you tell us what you have to  
11 say during this time, because it's a really good  
12 opportunity for us to get information about you all.  
13 There is no wrong answers. Someone might be a good  
14 juror for another trial. Don't let me talk over you.  
15 Bust your hands up if I am not noticing you have  
16 something to say, okay.

17 I am going to start off kind of a downer  
18 topic. Violence. It's bad, right? We can all agree  
19 as a society generally we don't like it when people  
20 hurt other people. In what cases do we condone  
21 violence? Like when is violence something that  
22 generally we say okay, it's okay in that circumstances?  
23 Who can give me an example?

24 PROSPECTIVE JUROR: Self-defense.

25 MR. WITTWER: Self-defense. Okay. So what

1 do you mean?

2 PROSPECTIVE JUROR: So, if somebody's  
3 assaulting you, coming at you to fight back, you don't  
4 want them to hurt you.

5 MR. WITTWER: Okay. So the key then is that  
6 you're in danger of being hurt at that point.

7 PROSPECTIVE JUROR: Yes.

8 MR. WITTWER: Are you saying, ma'am,  
9 Miss Cascone, then it's okay to hurt somebody else?

10 PROSPECTIVE JUROR: If it's between you and  
11 that person. I mean you don't want to get hurt. Yeah.

12 MR. WITTWER: If you can prevent yourself  
13 from being hurt, that might be an area where violence  
14 is okay.

15 PROSPECTIVE JUROR: Right.

16 MR. WITTWER: Anyone disagree with that  
17 before I move on?

18 Does anyone have another example of when  
19 violence is okay? I saw a few hands.

20 I think I saw your hand up, Miss Parker.

21 PROSPECTIVE JUROR: Yes. If you are trying  
22 to protect your family or yourself and it's your life  
23 or that person's life, then that's okay to take action  
24 to protect yourself.

25 MR. WITTWER: So Miss Parker's talking about

1 protection here. The idea of protecting yourself or  
2 another person, right? If someone else is in danger,  
3 we have seen -- I mean police officers use violence.  
4 Violence sometimes to protect the community. Military  
5 members serving active duty, they use violence.

6 Does anyone think that violence can never be  
7 justified for any reason?

8 Let me ask you this. Because we got  
9 different looking people, different size people. Is  
10 there anyone who thinks they personally could never see  
11 themselves committing an act of physical violence?

12 Mr. Weber, you never. Why is that?

13 THE COURT: You have to raise your voice. I  
14 cannot hear you.

15 PROSPECTIVE JUROR: I have a fear of  
16 violence.

17 MR. WITTWER: You would be afraid to hurt  
18 someone. Do you think everyone else has that fear?

19 PROSPECTIVE JUROR: No.

20 MR. WITTWER: Do you think it's okay if a  
21 different person who -- like do you have a problem with  
22 other people using violence to protect themselves?

23 PROSPECTIVE JUROR: Yes. I can't see  
24 violence.

25 THE COURT: I can't hear you.

1 PROSPECTIVE JUROR: I can't see violence.

2 THE COURT: Okay.

3 MR. WITTWER: So you have an issue with  
4 seeing violence. It's scary.

5 PROSPECTIVE JUROR: Yeah.

6 MR. WITTWER: Do you have an issue with  
7 violence that's used to protect someone?

8 (Whereupon, there was a pause in the  
9 proceedings.)

10 PROSPECTIVE JUROR: Depends on the case.

11 MR. WITTWER: Are you someone who is just  
12 generally going to be made uncomfortable by something  
13 that has to do with violence?

14 PROSPECTIVE JUROR: Yes.

15 MR. WITTWER: Mr. Weber, in this trial there  
16 will be discussions of violence.

17 PROSPECTIVE JUROR: The video see violence.

18 MR. WITTWER: You would be able to?

19 PROSPECTIVE JUROR: I would not be able.

20 MR. WITTWER: You would not be able to.

21 PROSPECTIVE JUROR: No.

22 MR. WITTWER: Do you think you are just too  
23 squeamish so you, do you, do you think seeing a scary  
24 image distract you from hearing the facts in this case?

25 PROSPECTIVE JUROR: Yes.

1 MR. WITTWER: Thank you.

2 Does anyone else feel that way? Mr. Weber is  
3 not the first person I heard say that. Anyone else for  
4 whom the fact that this trial is going to involve  
5 violence is going to really upset you?

6 Miss Parker.

7 PROSPECTIVE JUROR: Well like four years ago,  
8 um, my teachers were married and her husband stabbed  
9 her to death, so it kind of, it bothers.

10 MR. WITTWER: You seem kind of upset talking  
11 about. I don't want to make you go further.

12 But let me just ask you, are you saying that  
13 because of something that happened in your past, when  
14 you hear about violence, you find it very emotionally  
15 upsetting?

16 PROSPECTIVE JUROR: I think about that  
17 happening and it bothers me. Like thought somebody  
18 stabbing someone.

19 MR. WITTWER: Make it upset and kind of hard  
20 to focus on what is going on. I am not going to ask  
21 any more about it. I am sorry.

22 Does anyone else have that kind of reaction?  
23 I want to talk to you again about protecting yourself  
24 and defending yourself.

25 Miss Payne, and don't, if I ask anything that



1 makes you uncomfortable, just stop me. You don't have  
2 to answer. I know that you saw kind of a scary thing  
3 happen on a bus that you talked about earlier.  
4 Fortunately you weren't hurt or anything like that.  
5 But were you afraid at that time?

6 PROSPECTIVE JUROR: Yes.

7 MR. WITTWER: And what was so scary?

8 PROSPECTIVE JUROR: That someone could be so  
9 debased that they would do that.

10 MR. WITTWER: Particularly in public, right?

11 PROSPECTIVE JUROR: Yes.

12 MR. WITTWER: You're in a bus full of  
13 strangers, right?

14 PROSPECTIVE JUROR: Yes.

15 MR. WITTWER: Crowded bus and there is a  
16 stranger and he doesn't seem to care it's a public  
17 situation.

18 PROSPECTIVE JUROR: Yes. His wife was in the  
19 front of the bus in a wheelchair.

20 MR. WITTWER: Oh, wow.

21 PROSPECTIVE JUROR: I was in the back there  
22 with the back entrance, so he actually went towards me  
23 to do that, like, he victimized me.

24 MR. WITTWER: He actually approached you?

25 PROSPECTIVE JUROR: Yes.

1 MR. WITTWER: You really have nowhere to go.

2 PROSPECTIVE JUROR: Yes.

3 MR. WITTWER: How did that make you feel? If  
4 that's a hard question to answer, that's okay.

5 PROSPECTIVE JUROR: In disbelief. I don't...  
6 it's just unbelievable.

7 MR. WITTWER: Was there a point where you  
8 wondered like, is this going to escalate? Could this,  
9 you know, could he actually do something to me?

10 PROSPECTIVE JUROR: By the time he started  
11 going crazy the police were already there. So I never  
12 felt -- after it happened I never felt threatened or  
13 anything.

14 MR. WITTWER: If the police hadn't come do  
15 you know what you would have done?

16 PROSPECTIVE JUROR: If the police hadn't come  
17 I would have gotten off the bus probably, you know,  
18 gotten as far away as I possibly could have.

19 MR. WITTWER: You would have tried to get  
20 away from him to whatever extent you could.

21 PROSPECTIVE JUROR: Yes.

22 MR. WITTWER: Miss Solstad, again, same  
23 issue. I am sure it is a traumatizing experience. If  
24 you don't want to talk about it, don't talk about it.

25 To the extent you are willing, when this

1           guy's following you, what is going through your head?

2                   PROSPECTIVE JUROR: I thought I was going to  
3           be raped.

4                   MR. WITTWER: Wow. And did you think about  
5           like what you might do if he caught up to you?

6                   PROSPECTIVE JUROR: When I was in that subway  
7           car I didn't realize how serious the situation was. I  
8           had my headphones on, which is terrible. There is a  
9           woman sitting across from me. When she walked past me,  
10          she handed me some pepper spray in my hand and she said  
11          spray it and run.

12                  MR. WITTWER: Wow.

13                  PROSPECTIVE JUROR: I had no idea what to do  
14          with it. And I was just like, this is like I, like I  
15          all of a sudden really realized much more of a panic  
16          situation than I was understanding it was.

17                  I remember after this had happened I was so  
18          angry that no one on that car helped. He is a big guy.  
19          He was like screaming at me 'cause he thought he was  
20          like talking to me as if I was his ex-girlfriend or  
21          something and saying some pretty lewd thing.

22                  MR. WITTWER: You said, I think, earlier he  
23          had mental health issues. How did you come to know  
24          that?

25                  PROSPECTIVE JUROR: Just rambling up and down

1 the car. I didn't think he was talking to me at first.  
2 I thought he was just being crazy. I don't know.

3 MR. WITTWER: Do you think he might have been  
4 under the influence of drugs, something like that?

5 PROSPECTIVE JUROR: I don't know. Maybe.  
6 But you know, that, or mentally ill. And then later on  
7 when I like complained to the police department, I  
8 wasn't, like, taken seriously. I told another  
9 girlfriend of mine, don't be out late on the subway.  
10 This is this guy hanging out in the subway stop. She  
11 said oh, people told me about that guy.

12 MR. WITTWER: You feel frustrated nothing's  
13 been done.

14 PROSPECTIVE JUROR: Yeah. I don't know what  
15 happened after that.

16 MR. WITTWER: Sort of discomfoting to think  
17 might still be out there.

18 PROSPECTIVE JUROR: Yes.

19 MR. WITTWER: When you were handed the pepper  
20 spray you didn't use it, right?

21 PROSPECTIVE JUROR: No.

22 MR. WITTWER: Why not?

23 PROSPECTIVE JUROR: I felt more scared of  
24 using it. Running to me was the thing felt most, I was  
25 most capable of.

1 MR. WITTWER: Do you feel running wasn't an  
2 option, you had to use the pepper spray, you would have  
3 done it?

4 PROSPECTIVE JUROR: I have never even  
5 touched. I have never used a weapon of any sort.

6 MR. WITTWER: It's hard to know, right? It's  
7 hard to know what you would do in a dangerous  
8 situation.

9 Does that anyone think that's true or not  
10 true? And when you're trying to get out of a dangerous  
11 situation, there are a number of ways to handle that.  
12 That kind of depend on the specifics of the situation,  
13 right?

14 Any runners in here? You look kind of like a  
15 runner. Mr. Cullum, you can probably outrun most  
16 people.

17 (Whereupon, there was laughter in the  
18 courtroom.)

19 MR. WITTWER: You don't know. It's a gamble,  
20 right? What if you can't. You know, I am not out  
21 running with anyone, right?

22 (Whereupon, there was laughter in the  
23 courtroom.)

24 MR. WITTWER: But at the same time it's hard  
25 to know. So does everyone agree that it's really hard



1 in a dangerous, scary situation know what's right to  
2 do? But it sounds like everyone also seems to be on  
3 the same page that violence can be justified if you're  
4 in danger.

5 Does anyone not think that's true except  
6 perhaps Mr. Weber?

7 Okay. I also, I am going to switch gears  
8 here for a second.

9 You've all heard that Mr. McGriff is presumed  
10 innocent. Can someone tell me what that means?

11 A brave sole. Mr. Philip. Thank you.

12 What does it mean to be presumed innocent?

13 PROSPECTIVE JUROR: Basically there's  
14 nothing -- well not really nothing to show. There's  
15 nothing brought up yet to say that he is guilty so you  
16 can't say.

17 MR. WITTWER: When there is nothing brought  
18 up of evidence of guilt, then we assume the person's  
19 innocent.

20 So if you had to deliberate right now and  
21 vote on whether Mr. McGriff is guilty or not guilty,  
22 how would you vote?

23 PROSPECTIVE JUROR: Not guilty, 'cause I  
24 don't have anything to say against him. I don't have  
25 anything. No evidence.

1 during this voir dire period?

2 PROSPECTIVE JUROR: Kind of. Not really.

3 MR. WITTWER: You are not picking everything  
4 up. Is that because, just because you are not fluent  
5 in the English language?

6 (Whereupon, there was a pause in the  
7 proceedings.)

8 PROSPECTIVE JUROR: Yes.

9 MR. WITTWER: Yes. Thank you for letting me  
10 know.

11 Miss Khamrak, now that I have explained a  
12 little bit more, how do you feel about the presumption  
13 of innocence? What does it means?

14 PROSPECTIVE JUROR: It means that defendant  
15 innocent.

16 MR. WITTWER: Unless? What makes them not  
17 innocent?

18 (Whereupon, there was a pause in the  
19 proceedings.)

20 MR. WITTWER: That's okay. This isn't a  
21 quiz. I am going to move on.

22 You've all heard the burden of proof is on  
23 the government. And that means, and I know the Judge  
24 just explained to you recently that they have to put on  
25 evidence. We might put on evidence, we might not. But

1 this case is really about whether their evidence  
2 convinces you beyond a reasonable doubt.

3 And what they need to prove specifically is  
4 not that Mr. McGriff did something you disagree with or  
5 you don't think you would have done in that situation;  
6 but that he did something illegal, that he committed a  
7 crime.

8 I want to introduce another thing to you  
9 which we have already talked a little bit, which is  
10 this idea of self-defense and the idea specifically  
11 that sometimes you are justified in hurting someone  
12 else in terms of self-defense.

13 Does anyone think that Mr. McGriff needs to  
14 prove that he was acting in self-defense? No one?  
15 Does anyone -- Mr. Cullum, you do?

16 PROSPECTIVE JUROR: I mean if all I am shown  
17 is a video of something taking place that might  
18 indicate someone, I would like to understand what  
19 happened even before or after on a judgment call as to  
20 whether that was self-defense.

21 MR. WITTWER: That makes sense in a way to  
22 sort of reconcile that with the fact that the burden of  
23 proof is on the prosecution.

24 THE COURT: Counsel, just stay away from the  
25 burden.

1 MR. WITTWER: Does everyone understand that  
2 the government needs to prove that Mr. McGriff was not  
3 acting in self-defense?

4 Mr. Moser, you understand that?

5 PROSPECTIVE JUROR: Yes. Can you repeat the  
6 question, please?

7 MR. WITTWER: That the government needs to  
8 prove that Mr. McGriff was not acting in self-defense.

9 THE COURT: Counsel, like I said, I will give  
10 them the law and I will talk about the burden of proof,  
11 okay.

12 MR. WITTWER: Is there anyone who thinks  
13 Mr. McGriff needs to satisfy you that he was acting in  
14 self-defense in order to not be guilty at this trial?

15 (Whereupon, there was a pause in the  
16 proceedings.)

17 MR. WITTWER: Everyone understand the  
18 question that I asked? I will move on.

19 THE COURT: You have about a minute.

20 MR. WITTWER: A minute?

21 Miss Solstad, I want to ask you a specific  
22 question because you were one of the people who had had  
23 concerns if Mr. Kalifa doesn't testify at the trial.

24 If the government presents evidence that  
25 satisfies you that a crime was committed without

1 Mr. Kalifa testifying, are you comfortable voting based  
2 on that evidence?

3 PROSPECTIVE JUROR: I find it difficult.  
4 Based on my experience, like from people who are  
5 watching me in that incident I described to you,  
6 perhaps they thought I was his family. It's only  
7 really from my point of view. They're unable to  
8 understand I felt I was victimized.

9 MR. WITTWER: Thank you.

10 Miss Burke asked this last time. I want to  
11 make sure you all have an opportunity to answer. There  
12 will be some really disturbing and vial language that  
13 you hear about during this trial. Specifically it will  
14 be like racial language, racial slurs.

15 And you are going to need to hear it because  
16 that's, you know, there will be evidence that this  
17 language was used.

18 Is there anyone who will have such a hard  
19 time hearing these words they don't think they can sit  
20 as a juror in this case? Anyone heard those words used  
21 before in public? Miss Payne.

22 PROSPECTIVE JUROR: I've heard N word. B  
23 word. Every word you possibly --

24 MR. WITTWER: How do you feel when you hear  
25 those words?



1 PROSPECTIVE JUROR: I laugh it off sometimes.  
2 In my job I hear it all the time. On the phone. It  
3 doesn't affect me. It's just words.

4 THE COURT: Thank you.

5 Let me just ask Miss Khamrak, what is your  
6 native language, ma'am?

7 PROSPECTIVE JUROR: Russian.

8 THE COURT: How long are you in the United  
9 States?

10 PROSPECTIVE JUROR: 20 years.

11 THE COURT: Did you go to school here?

12 PROSPECTIVE JUROR: Just -- no. I just took  
13 maybe courses to learn English.

14 THE COURT: Where did you take courses?

15 PROSPECTIVE JUROR: There was a place... a  
16 community place, you know.

17 THE COURT: Okay. Have you -- did you have  
18 any trouble understanding any of the questions that I  
19 asked?

20 PROSPECTIVE JUROR: No. But some of question  
21 I didn't understand because it's too hard to me because  
22 my language is simple, you know.

23 THE COURT: Were there questions --

24 PROSPECTIVE JUROR: I could speak about my  
25 life, about my, you know, some kitchen. Like just a

1 kitchen language, you know?

2 THE COURT: Were there questions that were  
3 asked -- let me finish.

4 Were there questions asked by the lawyers  
5 that you did not understand?

6 PROSPECTIVE JUROR: You know, not all the  
7 questions, but most question I understand. But you  
8 know, I understand maybe better than I could talk  
9 about, you know, just explain in English. I understand  
10 90 percent, but then I trying to talk, it's not 90  
11 percent. It just, I can't explain but I understand,  
12 you know.

13 THE COURT: Okay. Do you read the newspaper  
14 in English?

15 PROSPECTIVE JUROR: Occasionally.

16 THE COURT: Occasionally. Okay. Thank you  
17 very much.

18 PROSPECTIVE JUROR: You're welcome.

19 THE COURT: All right, ladies and gentlemen,  
20 I am going to have everybody step out, including the  
21 folks in the audience. And then we will call you back  
22 in.

23 In the meantime, please don't discuss the  
24 case amongst yourselves or with anyone else, and we  
25 will bring you back in a little while. Thank you for

1 your attention.

2 (Whereupon, the prospective jury left the  
3 courtroom.)

4 (Whereupon, there was a pause in the  
5 proceedings.)

6 THE COURT: All right. Ready?

7 MS. BURKE: Yes, Your Honor.

8 THE COURT: On the last round there were  
9 eight jurors selected. People used two peremptory  
10 challenges, defense used four.

11 THE CLERK: People used two, defense used  
12 four.

13 As to seats one through four, People,  
14 challenges for cause?

15 MR. MOTTOLA: Yes. Number one. Oh, sorry.  
16 It's Tedgardo Mercene.

17 THE COURT: Just make your record so we don't  
18 have to --

19 MR. MOTTOLA: Oh, yes. He was pretty  
20 unequivocal he would need to hear from the witness,  
21 from the victim in this case.

22 MR. WITTWER: No objection.

23 THE COURT: Thank you. On consent.

24 THE CLERK: Any other challenges for cause in  
25 seats one through four?

1 MR. MOTTOLA: No.

2 THE CLERK: Okay. Mr. Wittwer, challenge  
3 for cause, seats one through four.

4 MR. WITTWER: Yes. Juror number two, Zhang  
5 Dong Ye. I think she doesn't understand enough  
6 English.

7 THE COURT: Consent.

8 MR. MOTTOLA: Consent.

9 THE COURT: Thank you.

10 MR. MOTTOLA: No problem.

11 THE CLERK: Is that it, Mr. Wittwer?

12 MR. WITTWER: Yes.

13 THE CLERK: Okay. Mr. Mottola, any  
14 peremptory challenges, seats three and four?

15 MR. MOTTOLA: No.

16 THE CLERK: Mr. Wittwer, peremptory  
17 challenges seats three or four?

18 (Whereupon, there was a pause in the  
19 proceedings.)

20 MR. WITTWER: Yes. We are going to exercise  
21 a peremptory on juror number three, Miss Mikhli.

22 THE COURT: Is that it?

23 MR. WITTWER: Yes.

24 THE CLERK: Seat number four, Francesco  
25 Stanisci becomes juror number nine.

1 We will take the next three seats.

2 As to seats five, six, seven, People,  
3 challenges for cause?

4 MR. MOTTOLA: None for cause.

5 THE CLERK: None for cause. All right.

6 Mr. Wittwer, any challenges for cause as to  
7 those three seats?

8 MR. WITTWER: Yes. Juror number five, Amani  
9 Parker, got very upset when we started talking about  
10 the subject matter. I am just afraid she won't be able  
11 to focus.

12 MR. MOTTOLA: No objection.

13 THE CLERK: Parker, she is excused on  
14 consent.

15 MR. WITTWER: That's the only challenge for  
16 cause in that.

17 THE CLERK: Okay. Mr. Mottola, any  
18 peremptory challenges as to seats six or seven?

19 MR. MOTTOLA: Yes. Seat --

20 MR. WITTWER: I apologize. I did not realize  
21 we were including seven.

22 THE COURT: We said it's seats five, six or  
23 seven peremptory.

24 MR. WITTWER: Simply misunderstood. I  
25 apologize. Don't want to miss my opportunity to



1 challenge seven for cause, Matthew Cullum. He has  
2 close familial relationships with police officers. His  
3 father-in-law is a retired police chief with the New  
4 York City Police Department. And his sister-in-law on  
5 active duty with the NYPD.

6 I think those ties are substantial enough he  
7 can't be a fair and impartial juror where the People  
8 are calling large number of police witnesses.

9 MR. MOTTOLA: Counsel had an opportunity to  
10 ask Mr. Cullum if he could be fair. He never indicated  
11 in any way that his relationship would bias him. I do  
12 not believe cause is made out.

13 MR. WITTWER: I want to add to the record  
14 co-counsel reminded me he speaks to those family  
15 members about their jobs. They talk about work.

16 THE COURT: They're retired four years. I  
17 asked him specifically. He said he could be fair. And  
18 he was not challenged when you had an opportunity to  
19 question him.

20 The challenge for cause is denied.

21 THE CLERK: Okay. Mr. Mottola, any  
22 peremptory challenges as to seats six or seven?

23 MR. MOTTOLA: Yes. Seat number six, Gerard  
24 Philip.

25 THE CLERK: Gerard Philip, that is peremptory

1 challenge.

2 Seat number seven, Mr. Cul --

3 THE COURT: Wait. Any other challenges as to  
4 seven?

5 MR. MOTTOLA: No.

6 THE COURT: All right.

7 THE CLERK: Mr. Wittwer, peremptory challenge  
8 as to seat number seven.

9 MR. WITTWER: Yes. Exercise a peremptory  
10 challenge on seat number seven, Matthew Cullum.

11 THE CLERK: Okay.

12 THE COURT: All right. So we have next three  
13 seats, eight, nine and ten.

14 Challenges for cause, People.

15 MR. MOTTOLA: None for cause. No.

16 THE CLERK: Mr. Wittwer.

17 MR. WITTWER: None for cause.

18 THE CLERK: Okay. Mr. Mottola, peremptory  
19 challenges seats eight, nine or ten.

20 MR. MOTTOLA: Yes. Seat number nine, Tara  
21 Cascone.

22 THE CLERK: Nine Cascone.

23 Anything else, Mr. Mottola, for peremptory  
24 challenges?

25 MR. MOTTOLA: No others.

1 THE CLERK: Mr. Wittwer, any peremptory  
2 challenges as to those seats, eight or ten?

3 MR. WITTWER: Yes. Exercising a peremptory  
4 challenge on juror number ten, Christophe Mosley.

5 THE CLERK: Okay. Seat number eight, Belquis  
6 Payne, becomes juror number ten.

7 As to the next two seats, 11 and 12,  
8 Mr. Mottola, challenge for cause.

9 MR. MOTTOLA: Yes, Your Honor. Juror number  
10 11, Andrea Solstad. I tried my best when speaking to  
11 her to ask her, to push her on the fact that the victim  
12 would not be testifying. And I think ultimately she  
13 said it would be difficult and she would need to hear  
14 from him.

15 MR. WITTWER: I would just note that the fact  
16 that jurors may weigh, the fact that the victim is not  
17 testifying and draw negative inferences from it is  
18 completely legally permissible. In fact, there's an  
19 instruction that would probably be relevant to this  
20 trial in that regard. Miss Solstad was not as  
21 unequivocal as Mr. Mercene.

22 I think she was more suggesting that she  
23 thought it was problematic for the People to meet their  
24 burden without the complainant testifying was a  
25 completely permissible stance to take. I don't believe

1 MR. MOTTOLA: I used mine.

2 MR. WITTWER: No.

3 THE COURT: There is none.

4 MR. MOTTOLA: Yeah, there is none.

5 THE COURT: All right. Seats 13 and 14,  
6 challenges for cause, People.

7 MR. MOTTOLA: Yes, Your Honor. As to both I  
8 do believe --

9 MS. BURKE: We will consent.

10 MR. MOTTOLA: Okay.

11 THE CLERK: That's 13 and 14.

12 THE COURT: Yes.

13 THE CLERK: All right.

14 As to seats 15 and 16, challenges for cause,  
15 Mr. Mottola.

16 MR. MOTTOLA: No. None for cause.

17 MR. WITTWER: No challenges for cause.

18 THE CLERK: Okay. Mr. Mottola, peremptory  
19 challenges as to those two seats, 15 or 16.

20 MR. MOTTOLA: Just number 15, Pauline  
21 Stewart.

22 THE CLERK: And, Mr. Wittwer, as to seat  
23 number 16, peremptory challenge.

24 MR. WITTWER: Yes. We will exercise a  
25 peremptory on juror number 16, Yung Hsien Tam.

1 THE CLERK: At the end of round two, People  
2 exercised seven peremptory challenges, and defense has  
3 also exercised seven peremptory challenges.

4 MR. MOTTOLA: Defense eight, right?

5 THE COURT: Count them up. I think they have  
6 different numbers, please. I have one two, three, four  
7 defense peremptories this round.

8 MR. MOTTOLA: Correct.

9 MR. WITTWER: Yes.

10 MR. MOTTOLA: Yes. And four this round.

11 THE COURT: For a total of seven.

12 As to the People I have one, two, three, four  
13 also exercised, for total of six.

14 MR. MOTTOLA: Correct.

15 (Whereupon, there was a pause in the  
16 proceedings.)

17 THE COURT: Correct?

18 MS. BURKE: I have six for the People, seven  
19 for defense.

20 THE COURT: Correct.

21 THE CLERK: I had seven for defense.

22 THE COURT: Six for the People.

23 THE CLERK: Okay.

24 COURT OFFICER: Ready for the jurors in the  
25 box?



1 THE COURT: Yes. Thank you.

2 COURT OFFICER: Ready?

3 THE COURT: Yes.

4 (Whereupon, the prospective jury entered the  
5 courtroom.)

6 THE COURT: The last two were not part of  
7 this round.

8 COURT OFFICER: Okay. All right.

9 THE COURT: They're not part of this round.  
10 Have them step outside.

11 THE CLERK: Okay, ladies and gentlemen, if I  
12 call your names, you've been selected to serve as a  
13 juror in this case. Please remain seated.

14 Juror number nine will be Francesco Stanisci.  
15 Juror number ten, Belquis Payne.

16 Those two people, please remain seated.  
17 Everyone else is excused with the thanks of the Court.  
18 Follow the court officer's instructions outside.

19 Belquis Payne, remain seated. Remain seated.

20 COURT OFFICER: Everyone else, follow me.

21 THE COURT: All right, folks, you've been  
22 selected as the next two jurors. We are going to  
23 continue jury selection. I will not make you wait  
24 around while we are doing that. We are going to just,  
25 a few minutes send you on your way. We will be

1 continuing jury selection tomorrow. So I am going to  
2 ask you to be in the jury room Thursday morning at 9:30  
3 promptly.

4 Before you leave today you will follow the  
5 officer. She will just show you the jury room you are  
6 going to report to each morning.

7 In the interim, please don't discuss the case  
8 amongst yourselves or with anyone else. You may tell  
9 your employers or family that you are a seated juror,  
10 when you need to be here, but other than that, no  
11 discussion about the case. No research online about  
12 the case or anyone connected with the case.

13 If you -- we will take a contact phone number  
14 from you where you can be reached if you are late, we  
15 have to find you, and give you a phone number where you  
16 can reach us in the event of an emergency.

17 If you like to bring water or coffee, tea, or  
18 something with you in the mornings so you are more  
19 comfortable sitting here, you may certainly do that.

20 All right. Grab your things. Follow Officer  
21 Lopez Delis to the jury room. We will see you Thursday  
22 morning. Thank you so much.

23 COURT OFFICER: Follow me, guys.

24 (Whereupon, the jury left the courtroom.)

25 COURT OFFICER: Ready for the jurors?

1 THE COURT: Yes.

2 What's the matter?

3 MR. MOTTOLA: I just wanted, I don't -- I  
4 double-checked my charts. I just think the defense  
5 used four and four in the first round.

6 THE CLERK: Defense used four in the first  
7 round, peremptory challenges in this round. People  
8 used two in the first round.

9 MR. MOTTOLA: So this round of the defense  
10 challenged seat number three.

11 THE COURT: Right.

12 MR. MOTTOLA: Seat number seven.

13 THE COURT: Right. Seat number ten.

14 MR. MOTTOLA: Ten. And then seat number 14,  
15 that's four, that's eight.

16 MS. BURKE: I have that we used three in the  
17 first round.

18 MR. MOTTOLA: Right.

19 THE COURT: No. No. Wait. Just a minute.  
20 Stop.

21 Okay. In the first round you used, you  
22 exercised your peremptory on number two, Miss Tom.  
23 Number seven, Miss Patel. Miss Fung, number ten. And  
24 Mr. Gladskiy, number 13.

25 MS. BURKE: Correct. My apologies.

1 MR. MOTTOLA: Correct.

2 THE CLERK: Yes. That's correct.

3 THE COURT: In this round, this last round  
4 you challenged Miss Mikhli, Mr. Cullum, Mr. Christophe,  
5 and Miss Tam.

6 MR. MOTTOLA: Yes.

7 MS. BURKE: Correct.

8 THE COURT: So that's eight. Yes.

9 MR. MOTTOLA: Yes.

10 THE CLERK: Miss Mikhli was a defense  
11 peremptory.

12 MR. MOTTOLA: Yes.

13 THE COURT: Miss Mikhli was a defense. One,  
14 two, three, four -- so the end of the second round  
15 defense used eight, People used six.

16 (Whereupon, the prospective jury entered the  
17 courtroom.)

18 THE COURT: All right, ladies and gentlemen,  
19 we are going to continue with jury selection. When you  
20 hear your name, please gather your things, step up,  
21 follow the sergeant's instructions. If you can say  
22 here, yes, I heard you. Something like that.

23 THE CLERK: Seat number one, Glen Mendez.  
24 G-L-E-N, M-E-N-D-E-Z. That's seat number one.

25 Seat number two, Simone Billingslea.

1 PROSPECTIVE JUROR: Billingslea.

2 THE CLERK: S-I-M-O-N-E, last name

3 B-I-L-L-I-N-G-S-L-E-A.

4 And seat number three, Joshua Ortega.

5 Last name O-R-T-E-G-A, first name Joshua.

6 Seat number four, Yihua Peng.

7 First name Y-I-H-U-A, last name P-E-N-G.

8 PROSPECTIVE JUROR: Here.

9 THE CLERK: Seat number six, Alisa Hidary.

10 PROSPECTIVE JUROR: Here.

11 THE CLERK: First name A-L-I-S-A,

12 H-I-D-A-R-Y.

13 MS. BURKE: Judge, was this seat number five?

14 THE CLERK: Yes.

15 MS. BURKE: Okay.

16 THE CLERK: Seat number six, Melina Grant.

17 M-E-L-I-N-A, G-R-A-N-T.

18 PROSPECTIVE JUROR: Here.

19 THE CLERK: That's seat number six.

20 Seat number seven, Victoria Jones.

21 J-O-N-E-S, first name Victoria. Seat number seven.

22 Seat number eight, Suncica Jasarovic.

23 PROSPECTIVE JUROR: It's okay.

24 THE CLERK: Another one I am not going to be  
25 able to say.



1 (Whereupon, there was laughter in the  
2 courtroom.)

3 THE CLERK: S-U-N-C-I-C-A, last name  
4 J-A-S-A-R-O-V-I-C.

5 Seat number nine, David Auerbach.

6 PROSPECTIVE JUROR: Here.

7 THE CLERK: First name David, last name  
8 A-U-E-R-B-A-C-H. Seat number nine.

9 Seat number 10, Amanda Trock.

10 PROSPECTIVE JUROR: Here.

11 THE CLERK: Last name T-R-O-C-K, first name  
12 Amanda.

13 Seat number 11, Christopher Fanelli.

14 PROSPECTIVE JUROR: Here.

15 THE CLERK: Last name F-A-N-E-L-L-I, first  
16 name Christopher.

17 Seat number 12, Shaquan Nelson.

18 First name S-H-A-Q-U-A-N, Nelson N-E-L-S-O-N.  
19 Seat number 12.

20 Seats number 13, Jesus Galvez.

21 First name J-E-S-U-S, last name G-A-L-V-E-Z.  
22 Seat number 13.

23 Seat number 14, William Flounoy, junior.

24 PROSPECTIVE JUROR: Flounoy.

25 THE CLERK: Last name F-L-O-U-N-O-Y, junior,

1 first name William. Seat number 14.

2 Seat number 15, Elyse Barton.

3 First name E-L-Y-S-E, B-A-R-T-O-N.

4 And seat number 16, Oventon Callwood.

5 O-V-E-N-T-O-N, C-A-L-L-W-O-O-D.

6 THE COURT: All right. I will just remind  
7 you again as I said each round of the microphone, it's  
8 very easy for me, but I have, they have to hear you,  
9 essentially, next door.

10 As loudly as you can, Mr. Mendez, good  
11 afternoon.

12 PROSPECTIVE JUROR: Good afternoon.

13 THE COURT: How are you?

14 PROSPECTIVE JUROR: I am good.

15 THE COURT: Good.

16 What part of Brooklyn do you live?

17 PROSPECTIVE JUROR: Canarsie.

18 THE COURT: How long are you living in  
19 Brooklyn?

20 PROSPECTIVE JUROR: About 29 years.

21 THE COURT: Okay. Your marital status?

22 PROSPECTIVE JUROR: Single.

23 THE COURT: Any children?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Are you currently working?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: What do you do?

3 PROSPECTIVE JUROR: Automaker.

4 THE COURT: Okay. Thank you.

5 Miss Billingslea, good afternoon.

6 PROSPECTIVE JUROR: Good afternoon.

7 THE COURT: What part of Brooklyn do you

8 live?

9 PROSPECTIVE JUROR: Mill Basin.

10 THE COURT: How long you living in this

11 borough?

12 PROSPECTIVE JUROR: 11 years on and off.

13 THE COURT: Okay. And your marital status?

14 PROSPECTIVE JUROR: Single.

15 THE COURT: Children?

16 PROSPECTIVE JUROR: No children.

17 THE COURT: Okay. Currently working?

18 PROSPECTIVE JUROR: I am a student but I do  
19 it because I am an out of state opportunity. I have to  
20 come back here for jury duty, so that was interesting.

21 THE COURT: Okay. Where do you go to school?

22 PROSPECTIVE JUROR: Texas Woman's.

23 THE COURT: What are you studying?

24 PROSPECTIVE JUROR: Computer science.

25 THE COURT: Wonderful. Okay. Thank you.

1 Mr. Ortega, good afternoon.

2 PROSPECTIVE JUROR: Good afternoon.

3 THE COURT: What part of Brooklyn is home?

4 PROSPECTIVE JUROR: Williamsburg.

5 THE COURT: How long are you living in

6 Brooklyn?

7 PROSPECTIVE JUROR: All my life.

8 THE COURT: Marital status.

9 PROSPECTIVE JUROR: Single. No children.

10 THE COURT: You currently employed?

11 PROSPECTIVE JUROR: Yes. Work for the New

12 York City Police Department, police administrative

13 aide.

14 THE COURT: Are you assigned to a precinct or

15 1PP?

16 PROSPECTIVE JUROR: 40th Precinct, south

17 Bronx.

18 THE COURT: How long have you been doing

19 that?

20 PROSPECTIVE JUROR: A year and two months.

21 THE COURT: Okay. Thank you.

22 What -- so I will assume that as an

23 administrative aide you have direct contact on a daily

24 basis with police officers.

25 PROSPECTIVE JUROR: Every day.

1 THE COURT: Is there anything about either  
2 your job or interaction with police officers, etcetera,  
3 that would make it hard for you to be fair and  
4 impartial here?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Thank you.

7 Miss Peng, good afternoon.

8 PROSPECTIVE JUROR: Good afternoon.

9 THE COURT: What part of Brooklyn do you live  
10 in?

11 PROSPECTIVE JUROR: Sunset Park.

12 THE COURT: And how long are you living in  
13 Sunset Park?

14 PROSPECTIVE JUROR: Like ten years.

15 THE COURT: Ten.

16 PROSPECTIVE JUROR: 20.

17 THE COURT: 20.

18 Are you married?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Children?

21 PROSPECTIVE JUROR: Three.

22 THE COURT: Are you working?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR: Laundry.



1 MS. BURKE: I am sorry, Judge, I didn't hear  
2 her.

3 THE COURT: Laundry.

4 And is your husband working?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What does he do?

7 PROSPECTIVE JUROR: Together.

8 THE COURT: Oh, together.

9 Miss Peng, did you study English in the  
10 United States?

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Okay. Have you had -- do you  
13 have -- have you been able to understand all of the  
14 questions that I have asked?

15 PROSPECTIVE JUROR: Mmm, like 80 percent.

16 THE COURT: Okay. Counsels wants to come up?  
17 (Whereupon, there was a discussion held at  
18 the bench off the record.)

19 THE COURT: Okay. We are going to excuse  
20 Miss Peng. We will call another.

21 All right, Miss Peng, we are going to excuse  
22 you so you can take your things. Thank you.

23 (Whereupon, a prospective juror left the  
24 courtroom.)

25 THE CLERK: Seat number four, Yvonne Best.

1 Y-V-O-N-N-E, B-E-S-T. Will replace seat number four.

2 Will now be seat number four.

3 PROSPECTIVE JUROR: Sorry.

4 (Whereupon, there was laughter in the  
5 courtroom.)

6 THE CLERK: Now they're completely awake.

7 THE COURT: Having completely embarrassed  
8 you. Excellent. My work here is done.

9 How are you doing?

10 PROSPECTIVE JUROR: Good.

11 THE COURT: What part of Brooklyn do you live  
12 in?

13 PROSPECTIVE JUROR: Crown Heights.

14 THE COURT: And your marital status?

15 PROSPECTIVE JUROR: Single.

16 THE COURT: Any children?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Are you currently working?

19 PROSPECTIVE JUROR: No.

20 THE COURT: In school?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Okay. What did you go to school  
23 for?

24 PROSPECTIVE JUROR: Computer science.

25 THE COURT: Okay.

LORENZO MCGRIFF - JURY SELECTION

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PROSPECTIVE JURY: Bless you.

THE COURT: Okay. Thank you for that.

Miss, is it pronounced Hidary?

PROSPECTIVE JUROR: Yeah.

THE COURT: You tell me how you say it.

PROSPECTIVE JUROR: Hidary.

THE COURT: Okay. Sorry, Miss Hidary. Good  
afternoon.

What part of Brooklyn do you live in?

PROSPECTIVE JUROR: Gravesend.

THE COURT: How long are you living in  
Brooklyn?

PROSPECTIVE JUROR: All my life.

THE COURT: Okay. And your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: Children?

PROSPECTIVE JUROR: Five.

THE COURT: Are you currently working outside  
the home?

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do?

PROSPECTIVE JUROR: An event coordinator for  
a caterer.

THE COURT: Oh. Here in Brooklyn?

PROSPECTIVE JUROR: (Indicating).

1 THE COURT: Okay. Does your spouse work  
2 outside the home?

3 PROSPECTIVE JUROR: Yes. Importer.  
4 Children's wear.

5 THE COURT: Okay. Thank you.

6 Miss Grant, hello again.

7 What part of Brooklyn is home?

8 PROSPECTIVE JUROR: Crown Heights.

9 THE COURT: And your marital status?

10 PROSPECTIVE JUROR: Married.

11 THE COURT: Children?

12 PROSPECTIVE JUROR: Three children.

13 THE COURT: And are you currently working?

14 PROSPECTIVE JUROR: No. I am a stay-at-home  
15 mom.

16 THE COURT: Okay. Is your spouse working  
17 outside the home?

18 PROSPECTIVE JUROR: Well, occasionally he has  
19 a welding and construction company.

20 THE COURT: Okay. Thank you.

21 Miss Jones, hello.

22 PROSPECTIVE JUROR: Hi.

23 THE COURT: What part of Brooklyn do you live  
24 in?

25 PROSPECTIVE JUROR: Dumbo.

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THE COURT: And your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Any children?

PROSPECTIVE JUROR: No.

THE COURT: How long are you living in  
Brooklyn?

PROSPECTIVE JUROR: About three years.

THE COURT: Before that?

PROSPECTIVE JUROR: D.C.

THE COURT: Are you currently working?

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do?

PROSPECTIVE JUROR: Merchandise buyer.

THE COURT: Okay. Thank you.

Miss Jasarovic, what part of Brooklyn do you  
live in?

PROSPECTIVE JUROR: Bed-Stuy.

THE COURT: How long you living in Brooklyn?

PROSPECTIVE JUROR: Three years.

THE COURT: Before that?

PROSPECTIVE JUROR: Iowa.

THE COURT: Okay. And your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Any children?

PROSPECTIVE JUROR: No.



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1 THE COURT: Are you working?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: What do you do?

4 PROSPECTIVE JUROR: Architect.

5 THE COURT: Dumbo as the, you see the  
6 transformation of every neighborhood in Brooklyn. All  
7 right. Thank you.

8 Mr. Auerbach, how are you?

9 PROSPECTIVE JUROR: Good.

10 THE COURT: Good.

11 What part of Brooklyn do you live in?

12 PROSPECTIVE JUROR: Park Slope. For 12 years  
13 now.

14 THE COURT: Okay. And your marital status?

15 PROSPECTIVE JUROR: Married. Two kids.

16 THE COURT: Two. Okay.

17 Are you currently working?

18 PROSPECTIVE JUROR: Yeah. I am a freelance  
19 writer. My wife's a software engineer.

20 THE COURT: Okay. Thank you.

21 Miss Trock, hello. What part of Brooklyn?

22 PROSPECTIVE JUROR: Crown Heights.

23 THE COURT: How long are you in this borough?

24 PROSPECTIVE JUROR: About a year and a half.

25 THE COURT: Where did you live before that?

VdV

1 PROSPECTIVE JUROR: Morningside Heights.

2 THE COURT: All right. Your marital status?

3 PROSPECTIVE JUROR: I have a boyfriend.

4 THE COURT: Okay. Children?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Are you currently working?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: What do you do?

9 PROSPECTIVE JUROR: I am a graduate student.

10 I have two part-time jobs.

11 THE COURT: Let's start with the graduate  
12 program.

13 PROSPECTIVE JUROR: Educational technology.

14 THE COURT: And what kind of jobs are your  
15 part-time jobs?

16 PROSPECTIVE JUROR: I am on contract as an  
17 instructional designer at a media company. I teach  
18 after school.

19 THE COURT: Okay. Thank you.

20 Mr. Fanelli, good afternoon.

21 PROSPECTIVE JUROR: Good afternoon.

22 THE COURT: What part of Brooklyn do you live  
23 in?

24 PROSPECTIVE JUROR: Greenpoint.

25 THE COURT: How long were you in Brooklyn?

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PROSPECTIVE JUROR: Six years.

THE COURT: Before that?

PROSPECTIVE JUROR: Manhattan.

THE COURT: Okay. Brooklyn's the place to  
be.

PROSPECTIVE JUROR: Yea.

THE COURT: Your marital status?

PROSPECTIVE JUROR: Married. Two kids.

THE COURT: Okay. Are you currently working?

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do?

PROSPECTIVE JUROR: Manage computer  
programers at a corporate law firm.

THE COURT: You said the firm only does  
corporate work?

PROSPECTIVE JUROR: They have litigation  
group as well.

THE COURT: Any criminal defense of any kind?

PROSPECTIVE JUROR: Rarely criminal.

THE COURT: Are you involved in any of that?

PROSPECTIVE JUROR: No.

THE COURT: Is your spouse working?

PROSPECTIVE JUROR: Yes, she is.

THE COURT: Doing what?

PROSPECTIVE JUROR: Physical therapist.

1 THE COURT: Okay. Thank you.

2 Mr. Nelson, good afternoon.

3 PROSPECTIVE JUROR: How you doing, Your  
4 Honor?

5 THE COURT: I am good. Thank you.  
6 What part of Brooklyn?

7 PROSPECTIVE JUROR: East New York.

8 THE COURT: And how long you living in  
9 Brooklyn?

10 PROSPECTIVE JUROR: All my life.

11 THE COURT: Okay. Your marital status?

12 PROSPECTIVE JUROR: Single.

13 THE COURT: Any children?

14 PROSPECTIVE JUROR: One.

15 THE COURT: Okay. Are you currently working?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR: I am a manager at BJs.

19 THE COURT: Okay. Thank you.

20 Mr. Galvez. Mr. Galvez.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Hi.

23 What part of Brooklyn do you live in,  
24 Mr. Galvez?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 PROSPECTIVE JUROR: Um.

3 THE COURT: Tell you what. You want to come  
4 up and chat with me a little bit up here?

5 PROSPECTIVE JUROR: Carlton Atlantic.

6 THE COURT: Yeah?

7 Come on up, counsels.

8 (Whereupon, there was a discussion held at  
9 the bench on the record.)

10 PROSPECTIVE JUROR: I apologize.

11 THE COURT: That's okay.

12 PROSPECTIVE JUROR: Very nervous.

13 THE COURT: I see. I see. Okay.

14 Is it, I know this can be kind of an  
15 overwhelming sort of setting for people to be in if you  
16 are not familiar with it.

17 Are you, may I ask, do you have issues with  
18 nervousness and anxiety?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Do you currently see a doctor to  
21 help you with that?

22 PROSPECTIVE JUROR: No.

23 THE COURT: No. Okay.

24 Is it something that's particular to just the  
25 fact that you are here on jury duty, or is it something



1           you kind of have to deal with it other times?

2                   PROSPECTIVE JUROR: Not very good around  
3 other people. I rarely leave my house so I don't  
4 really interact with others. It's this kind of  
5 situation is very --

6                   THE COURT: Difficult for you.

7                   PROSPECTIVE JUROR: Yes.

8                   THE COURT: I have to tell you, I think it's  
9 such a big step you actually were able to come be able  
10 to do. Do what you need to do.

11                   Are you working now?

12                   PROSPECTIVE JUROR: No.

13                   THE COURT: Okay. I think that we all  
14 appreciate the effort that it took for you to get here.  
15 And I think if it's okay with you, we will excuse you  
16 because I think it's probably very intense for you to  
17 have to kind of deal with all those issues on a daily  
18 basis. Would that be okay?

19                   PROSPECTIVE JUROR: Yes.

20                   THE COURT: Okay. We are going to mark your  
21 card excused. And hopefully things, this was such a  
22 big step for you, hopefully you will be able to make  
23 some more positive steps and kind of get out, see the  
24 world, okay.

25                   PROSPECTIVE JUROR: Okay.

1 THE COURT: Thank you. Have a good holiday,  
2 okay.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: I am going to excuse you. Go  
5 back downstairs.

6 Just send him on his way.

7 COURT OFFICER: Yes.

8 THE COURT: Mr. Galvez, we are going to take  
9 care of the card with the paperwork and discharge you  
10 and we will send you on your way home, okay. Good luck  
11 to you.

12 PROSPECTIVE JUROR: Thank you.

13 COURT OFFICER: Sir, you can follow me.

14 (Whereupon, the following took place on the  
15 record in open court.)

16 THE CLERK: To refill seat number three,  
17 Marlene Laplante. Did I say the last name right?

18 PROSPECTIVE JUROR: Laplante.

19 THE CLERK: M-A-R-L-E-N-E.

20 PROSPECTIVE JUROR: Correct.

21 THE CLERK: Last name L-A-P-L-A-N-T-E.

22 PROSPECTIVE JUROR: Correct.

23 THE CLERK: Thank you.

24 That's seat number 13.

25 THE COURT: Okay. Hi.

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PROSPECTIVE JUROR: Hi.

THE COURT: Do we pronounce the E at the end  
or we don't?

PROSPECTIVE JUROR: Yes.

THE COURT: We do. Okay.

So what part of Brooklyn do you live in?

PROSPECTIVE JUROR: East Flatbush.

THE COURT: And how long you living in  
Brooklyn?

PROSPECTIVE JUROR: 32 years.

THE COURT: Okay. And your marital status,  
Miss Laplante?

PROSPECTIVE JUROR: Married.

THE COURT: Any kids?

PROSPECTIVE JUROR: Two.

THE COURT: Okay. Are you currently working?

PROSPECTIVE JUROR: Yes.

THE COURT: What do you do?

PROSPECTIVE JUROR: Hotel job.

THE COURT: Okay.

MS. BURKE: I am sorry, Your Honor. I didn't  
hear Miss Laplante.

PROSPECTIVE JUROR: Hotel job.

MS. BURKE: Hotel.

THE COURT: Uh-huh.

1 And, Miss Laplante, is your spouse working as  
2 well?

3 PROSPECTIVE JUROR: No. He is disabled.

4 THE COURT: Disabled. I am sorry. Okay.  
5 Thank you.

6 Mr. Flounoy, good afternoon.

7 PROSPECTIVE JUROR: Good afternoon.

8 THE COURT: What part of Brooklyn is home?

9 PROSPECTIVE JUROR: Downtown Brooklyn.

10 THE COURT: How long are you in Brooklyn?

11 PROSPECTIVE JUROR: 19 years.

12 THE COURT: Okay. And your marital status,  
13 sir?

14 PROSPECTIVE JUROR: Married.

15 THE COURT: Children?

16 PROSPECTIVE JUROR: Yes. Son. Australia.

17 THE COURT: Doesn't want you to visit?

18 PROSPECTIVE JUROR: He wants me to visit,  
19 trust me.

20 THE COURT: There you go.

21 Are you currently working?

22 PROSPECTIVE JUROR: No. I am retired.

23 THE COURT: What did you do before you  
24 retired?

25 PROSPECTIVE JUROR: Wall Street stockbroker.



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THE COURT: Is your spouse working?

PROSPECTIVE JUROR: She is an artist.

THE COURT: So always working?

PROSPECTIVE JUROR: Yes actually.

THE COURT: All right. Thank you.

Miss Barton, good afternoon.

PROSPECTIVE JUROR: Hi.

THE COURT: What part of Brooklyn do you live  
in?

PROSPECTIVE JUROR: Carroll Gardens.

THE COURT: How long are you in Brooklyn?

PROSPECTIVE JUROR: Six years.

THE COURT: Okay. Before that?

PROSPECTIVE JUROR: Manhattan.

THE COURT: And your marital status?

PROSPECTIVE JUROR: Yes, married.

THE COURT: Married.

Any kids?

PROSPECTIVE JUROR: No. No children.

THE COURT: Are you currently working?

PROSPECTIVE JUROR: Yes. Advertising.

THE COURT: And your, is your spouse working?

PROSPECTIVE JUROR: Yeah. He is in sales for  
a start-up.

THE COURT: Okay. Thank you.



1 Mr. Callwood, good afternoon.

2 PROSPECTIVE JUROR: Good afternoon.

3 THE COURT: What part of Brooklyn do you live  
4 in?

5 PROSPECTIVE JUROR: Georgetown Mall.

6 THE COURT: Oh, yes. I am sorry. I am with  
7 you now. Okay. Thank you.

8 And your marital status?

9 PROSPECTIVE JUROR: Married.

10 THE COURT: Children?

11 PROSPECTIVE JUROR: Three children.

12 THE COURT: Okay. Are you currently working?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR: Mainly planning and cook.

16 THE COURT: Is your spouse, wife working  
17 outside the home?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Doing what?

20 PROSPECTIVE JUROR: A loan officer for Chase.

21 THE COURT: Okay. Thank you.

22 All right. I am going to start as I did  
23 before by asking you some questions as a group. If the  
24 answer is yes, raise your hand. We will speak about  
25 it. If there's something you want to discuss more

1 privately, of course let me know. We will have you  
2 come up.

3 Mr. Ortega, start with you in just a minute.

4 Have any of you or any members of your family  
5 ever worked for the New York City Police Department,  
6 the Court system, or the District Attorney's Office?

7 Bunch of hands.

8 Mr. Ortega, as I said, we talked to you on  
9 that issue.

10 Miss Barton.

11 PROSPECTIVE JUROR: My father-in-law was a  
12 detective. Retired ten years. He was a detective  
13 undercover and has been in, was in the department for  
14 40 plus years.

15 THE COURT: Here in Brooklyn?

16 PROSPECTIVE JUROR: Yeah.

17 THE COURT: Okay. Is there anything about  
18 the nature of the job that he had, the anecdotes he  
19 might have told you, just the fact he was a police  
20 officer, anything that would affect your ability to be  
21 fair and impartial here?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Other hands I know. Mr. Nelson.

24 PROSPECTIVE JUROR: Yes. My sister is a  
25 court officer.

1 THE COURT: Okay. Where? In this building?

2 PROSPECTIVE JUROR: Yes. No. In the  
3 building. It's not like this building.

4 THE COURT: Okay. Schermerhorn Street?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Now, have you been to the  
7 courthouse to watch her work?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. Is there anything about  
10 the fact that she is a court officer that would make it  
11 hard for you to be fair and impartial here?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Thank you.

14 Other hands. Miss Trock.

15 PROSPECTIVE JUROR: My uncle's a retired NYPD  
16 officer.

17 THE COURT: And how long ago did he retire,  
18 do you know?

19 PROSPECTIVE JUROR: Maybe about ten years  
20 ago.

21 THE COURT: Do you know where he was  
22 assigned, what kind of work he did?

23 PROSPECTIVE JUROR: I don't know that much  
24 about it.

25 THE COURT: Okay. Is there anything in the

1 fact he was a police officer or discussions that you  
2 may have had make it hard for you to be fair and  
3 impartial here?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Thank you.

6 Anybody else? Make sure I get everybody.

7 No. Okay.

8 So following up on that. Because this is a  
9 criminal case, police officers will be involved. There  
10 will be testimony from police officers as well as  
11 civilians. In a trial, a police officer is just like  
12 any other witness and their testimony gets no more  
13 weight, no less weight than any other witness who might  
14 be called.

15 There anyone among you who could not treat a  
16 police officer like any other witness?

17 PROSPECTIVE JUROR: Just have a concern,  
18 'cause in my eyes a police officer is held to a higher  
19 level. It's, they're here to defend me, you know,  
20 Americans, the people. And I would just always assume  
21 that their word is a more credible word. Because of  
22 their position.

23 So I don't, like I kept hearing you say that  
24 all day, I kept thinking to myself, but he is a police  
25 officer. His word weighs more than the average person,

1 at least in my eyes.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: That's what I feel.

4 THE COURT: Okay. All right. Thank you for  
5 that.

6 Is there anyone else who has similar  
7 concerns? Mr. Auerbach.

8 PROSPECTIVE JUROR: Might --

9 THE COURT: I can't hear you, sir.

10 PROSPECTIVE JUROR: I might be inclined to be  
11 a little more sceptical.

12 THE COURT: More sceptical.

13 Any specific reason for that?

14 (Whereupon, there was a pause in the  
15 proceedings.)

16 PROSPECTIVE JUROR: General conclusion based  
17 on long years --

18 THE COURT: Sorry. I can't hear you.

19 PROSPECTIVE JUROR: General conclusions,  
20 years of experience, and just stories. Like no one  
21 particular incident that I can point to.

22 THE COURT: When you say experience,  
23 experiences that you personally have had?

24 PROSPECTIVE JUROR: More that I know of from  
25 people that I have spoken to.



1 THE COURT: Did you recognize any of the  
2 names of the officers we read out here?

3 PROSPECTIVE JUROR: (Indicating).

4 THE COURT: Okay. Thank you for that.  
5 Anybody else?

6 Yes, Mr. Callwood.

7 PROSPECTIVE JUROR: I had experience with it,  
8 experience with them that we had words were taken over  
9 mine's.

10 THE COURT: Where did that take place -- how  
11 did that happen?

12 PROSPECTIVE JUROR: With friends that I hang  
13 out with who --

14 MS. BURKE: He'd like to speak to us  
15 privately.

16 THE COURT: Come on up.

17 (Whereupon, there was a discussion held at  
18 the bench on the record.)

19 THE COURT: So the lawyers need to hear and  
20 the court reporter needs to hear.

21 PROSPECTIVE JUROR: Okay. I've been arrested  
22 a couple of times. Friends that hanging out, drug  
23 possession on them and I get. I know they would carry  
24 a lot of weight, just regular, and I was let go.

25 THE COURT: Did any of the cases go to trial?

1 PROSPECTIVE JUROR: No. None of the cases  
2 went to trial.

3 THE COURT: Did you plead guilty in any of  
4 them?

5 PROSPECTIVE JUROR: One.

6 THE COURT: About how long ago?

7 PROSPECTIVE JUROR: It's about five years ago  
8 or more.

9 THE COURT: Do you remember what you took a  
10 plea to?

11 PROSPECTIVE JUROR: They said I had drugs on  
12 me but I didn't have it on me, it was my friend and all  
13 in the group. And they said all of us.

14 THE COURT: Do you remember did they tell you  
15 if it was -- what was the sentence, do you remember?

16 PROSPECTIVE JUROR: I didn't get a sentence.  
17 Only spend one night in jail.

18 THE COURT: Right.

19 PROSPECTIVE JUROR: And when I see the Judge  
20 they said that I had five years probation. If I was  
21 caught in this again, I will do time.

22 THE COURT: Five years probation. Okay.  
23 Okay. All right. Thank you. We might have some more  
24 questions about it tomorrow morning.

25 PROSPECTIVE JUROR: Okay.

1 THE COURT: Thank you.

2 (Whereupon, the following took place on the  
3 record in open court.)

4 THE COURT: Mr. Callwood, come on back up.

5 (Whereupon, there was a discussion held at  
6 the bench on the record.)

7 THE COURT: When this was in Brooklyn,  
8 correct?

9 PROSPECTIVE JUROR: No. This is in Harlem.

10 THE COURT: Harlem.

11 Do you know who represented you in that case?

12 PROSPECTIVE JUROR: I forget what her name  
13 was. I know it was a woman.

14 THE COURT: Was it a Legal Aid attorney?

15 PROSPECTIVE JUROR: It was one represented by  
16 the state.

17 THE COURT: 18-B.

18 Do you know if the case went to the grand  
19 jury?

20 PROSPECTIVE JUROR: No, it never went to the  
21 grand jury.

22 THE COURT: Unless he took a C.I. plea.

23 Okay. You said you took the, whatever  
24 admission you made to the Judge was after the first  
25 night in jail or was it a while after you got arrested?

1 PROSPECTIVE JUROR: It was when I got  
2 arrested. The Court --

3 THE COURT: The next day.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: That's when you --

6 PROSPECTIVE JUROR: That's when I had to take  
7 the plea.

8 THE COURT: Would you by any chance have any  
9 papers related to that in your house?

10 PROSPECTIVE JUROR: No.

11 THE COURT: No. Okay.

12 Do you have any questions that you want to  
13 ask?

14 MS. BURKE: Judge, can I just inquire?

15 THE COURT: Sure.

16 MS. BURKE: Mr. Callwood, did they, did the  
17 Court tell you that you ought to be convicted of a  
18 felony?

19 PROSPECTIVE JUROR: No, they didn't say that.  
20 They say if I go the grand jury --

21 THE COURT: Maybe it was an SCI. Taking a  
22 plea they would go to the grand jury.

23 PROSPECTIVE JUROR: That's what the Judge  
24 said.

25 MS. BURKE: Did you report to probation for

1 five years?

2 PROSPECTIVE JUROR: No.

3 MS. BURKE: Did you ever report to probation?

4 PROSPECTIVE JUROR: No. Never.

5 THE COURT: Okay. All right. Thank you.

6 (Whereupon, the following took place in open  
7 court on the record.)

8 THE COURT: All right, ladies and gentlemen,  
9 given the lateness of the hour I am going to send all  
10 of you and the folks in the audience on your way. I am  
11 going to ask you to be back outside the courtroom  
12 tomorrow at 9:45. Please don't come into the courtroom  
13 until we call for you.

14 In the interim, please don't discuss the case  
15 amongst yourselves or with anyone else. You may  
16 obviously tell your family members, etcetera, that you  
17 are still prospective jurors and you have to be.

18 Please don't do any research online about the  
19 case, anything connected with it, or any of the parties  
20 connected with the case.

21 And if you see any of the attorneys or  
22 Mr. McGriff as you are coming up in the elevator  
23 tomorrow or waiting outside the courtroom, they have  
24 all been instructed by me not to have interactions with  
25 prospective jurors. So they're not going to smile and



1 say good morning. Please don't hold it against them  
2 for doing so. And we will see you tomorrow.

3 If you would like to bring water or coffee or  
4 tea with you so you are more comfortable while we are  
5 continuing to work, you may certainly do that.

6 So we will see you at 9:45 sharp. I thank  
7 you for your continued participation. Thank you.

8 PROSPECTIVE JUROR: Thank you.

9 (Whereupon, the prospective jury left the  
10 courtroom.)

11 THE COURT: Everybody in the audience, too.

12 PROSPECTIVE JUROR: Your Honor --

13 COURT OFFICER: Come this way, please.

14 THE COURT: Just speak to the officer.

15 COURT OFFICER: Step outside. I will be  
16 right out.

17 (Whereupon, there was a pause in the  
18 proceedings.)

19 THE COURT: All right. As far as number 16  
20 is concerned... approach for a minute.

21 (Whereupon, there was a discussion held at  
22 the bench off the record.)

23 THE COURT: See you at 9:45 tomorrow. We  
24 will continue with questioning. As I said, you will  
25 each have the opportunity to ask more questions. See

1 if we can determine if it's something that immediately  
2 disqualifies him. I will have to kind of mull that  
3 over. Okay.

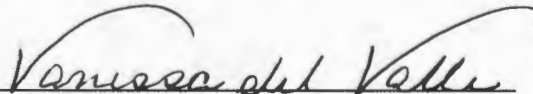
4 MR. MOTTOLA: Okay.

5 THE COURT: Okay. Bail is continued. Thank  
6 you all.

7 MR. WITTWER: Thank you, Judge.

8  
9 \* \* \* \* \*  
10 (Whereupon, the proceedings of People V. Lorenzo  
11 McGriff, held on December 13, 2016 in front of Hon. Miriam  
12 Cyrulnik at 320 Jay Street, Brooklyn, New York were  
13 adjourned to December 14, 2016.)  
14 \* \* \* \* \*

15 It is hereby certified that the foregoing is a true  
16 and accurate transcript of the proceedings.

17  
18   
19 VANESSA DEL VALLE  
20 Senior Court Reporter  
21  
22  
23  
24  
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